

NATVRA

Breuium in English new

lye corrected; with diuers

addicions of statutes, booke ca-

ses, plees in abatements of

the saide wryttes, and

their declaracions,

and barres to

the same added and put in

their places moſte

conuenient.

(*) 24.

1881. 41. 24. 25.

¶ Cum Priuilegio ad im-
primendum ſolum.

NATVRA

Præsentia in English

The corrected; with dispo-

sition of the text, as

the text is in the

the text is in the

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Rec. June 14, 1893

Quam Privilegio ad in-
primendum solam.

A Writte of Right.



It is said, that there is a writte of right patent, and a writ of right close. A writ of right patent shalbe first brought in my court of the Lord, of whom the lande is holden (if it be holden of any other then of the kinge.) And if it be holden of the kinge, then it shall bee brought in the court of the kinge. And know yee, that this writ may be removed out of the court of the Lord into a County by a Tolt, and out of the County to the common banke by a Pone. (if the demaundant that will.) And for that this clause is put in the writ of right patent, *Et nisi feceris, vicecomes talis comitat^{us} faciet te.* For the writ shall bee al times in the custodye of the demaundant, for that, that if the lord, & the shirife wil not so him doe right he may remove the plee into the comon banke as is aforesaid, not putting cause in the Pone. But in case that it be removed out of the court into the common banke by a Pone at the suit of the tenant, it behoneth to put the cause in the Pone. As it appeareth plainely in the

A. 9.

Register.

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Register. And also the saide plee may be removed out of the court of the Lord immediately to the common bank by a Recordare with cause, at the suite of the tenant. And know ye that this writ hath but two issues, & that is to save, joyninge the mises bypon the mere. And that is, to put him selfe in the great assise of our soueraigne Lorde the kinge, or to joine battaile, and that shalbee in the election of the tenant. And for that it behoueth y^e the Demaundant haue al times his champio ready, or els he may be deceiued. And whē battaile shalbe ioyned, & when great assise. Loke in y^e treatise of the great assise to be chosen amonge other statuts. And it is saide, that a decree of the auncester with a warranty is a barre, if the Demaundant bring this writ of his owne possession, & not of the possession of his auncester, for that y^e he may not joine y^e issue as befoze is saide. And the iudgement of this writ is final. And know ye that it is no plee in this writ, to say that the tenant befoze this time recovered against the Demaundant by action tried in any other writ, then in a writte of right.

Addicions.

Know ye that if the plee be removed by a Pone out of the county into the common bank it is not necessarye that the Shirife retourne the Tolt, by which the plee is removed out of the court of the Lord into the county. For that, that the plee is come into the bank by a war=

Warrant, which came to y^e shirke fro thence,
which is moze hier then the Tolt is. C. 20.
E. 3.

Know ye that a reuerſie in a Cessant a-
gainst the demaundants selfe, is a good barre
in a writ of right. And that is by reason of y^e
statute of Glo. ca. iij. M. 31. E. 1.

But know ye that a recovery in assise a-
gainst him selfe is no barre. M. 8. E. 2.

And know ye that these parsons shal ioin
the mise in a writ of right. An infant shal
ioine the mise and trie it by battaile. And the
tenaunt for terme of life shal ioin in this
forme, that is to saye, that hee hath better
right to holde for terme of his life, the reuer-
ſion to one suche. M. 9.

The husbnde and the wife shal ioin the
issue as in the right of the wife, & the iudge-
ment shalbe y^e the husband & the wife and the
heires of the wife shal holde quite of the de-
maundant & of his heires. M. 41. E. 2.

A Prebendarier shal ioin the mise by
his attourney. C. 14. E. 3.

The husbnde and the wife were receyued
for default of the tenant for terme of lyfe, and
they ioined the mise in such forme, y^e is to say
that the tenaunt for terme of life hath better
right to hold in the right of the husband by a
graunt made by the husband and his wife by
fine, sauinge the reuerſion to them, than the
demaundant hath &c. M. 31. E. 2.

And if a writ of right be brought againſte

A. iij

lower,

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power, every one of them toine the mise. **Q.**

2. C. 3.

And if a person toine \bar{y} mise without prating in ayde of the patron and the ordinary, & after make default whereby the demaundat do recover, his succellour shal haue for \bar{y} default, one *luris verum* &c. **H. 8. C. 2.**

And know ye, that the parties after \bar{y} battaile ioynded shal finde suerty for their champions, that is to say, pledges for every one of them, but first the tenant shal finde suertye, but these champions shal not be demaunded upon their suerties found, as if they were let to mainprise, therfore enquire the diuersity.

And know ye, \bar{y} it is a good challenge to say \bar{y} the champion is a villaine. **A. 1 H. 6.**

And know ye that these champions shalbe appareled with white leather, and a coate of red Bendl, painted with the armes of hys master, if he haue armes, and a knight shall beare his staffe, & a custrell his target, which shalbee of the colour of his coate. And if the champion be at the barre his target shall be reared to the backe of the champion, so that the chiefe part of the target passe the hiest of his head, and it shalbe holden to the backe of the champion as long as he standeth at the barre, and then the Iustices shal charge the parties principally to suffer \bar{y} harness of their champions to be safely kept in a place. And these Iustices shal looke that there bee no manner of fraude, noz disceipt entended. And if
Default

Default be found in the harness, as rolles of prayers, or saintes, or other thinges like, it shalbe amēded. And the targets shalbe of one length & bredth. And also their staves shalbe of one lēgth. & is to say, five quarters, & these two shalbee put out of their harness. H. 29. E. 3.

The wzite is such.

HENRICUS octauus dei gracia, Anglie, Francie, & Hibernie Rex, fidei defēsor & in terra Anglicane Ecclesie & Hibernie supremum caput, balliuis suis de A. salutē Precipim⁹ vobis: qđ sine dilatione plenū rectū teneatis J. de W. vnum mesuagium cum pertinen in D. qđ clamat tenere de nobis p liberū seruiciū vni⁹ denarū p annū p omni seruicio, qđ W. B. ei deforreat. Et nisi feceritis biē Suthē. faē, ne ampli⁹ ind clam audiam⁹ pro defectu recti, teste me ipso apud West. &c.

The wzit of right in London is such.

REX &c. Maior & biē Lond salutē. Precipim⁹ vobis, qđ sine dilatione plenam rectū teneatis A. de vna shopia cū ptiū in Londoni, quā clamat tenere de nobis p liberū seruiciū vnius denarū p annū quam W. C. ei deforciat. Ne amplius inde calmo re audiamus p defectu recti, teste &c.

A wzit of right in London (which is directed to the Maior & to the shirife of y same City) shalbe open & not close, for that. that it
A. iiij. 15

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is aswel directed to the Maier as to the shir-
rifes. And for that, that ther shal not be said
Et nisi feceris vicecomes South. sa. For
the ples shal not be remoued from thē. But
in case y the tenant vouch a foraine to war-
rānty in the said Citie. Then the said Maier
and the shirifes shall adiourne these parties
before the Iustices of the common bank at a
certain day. And shall send the record (which
is before them) to the said Iustices. And whē
they have determined the warrānty, they shal
resend the said record by a writ of iudgemēt
& commaunde the said Maier & shirifes that
they shal procede to the plee in the said Citie.
For the Iustices hath no power to procede
after the warrauntye determined. And the
Maier and shirifes hath no power to make
proces against the forain which is vouchēd.
As it appeareth by the statute of Glo. cap.
xij. which beginneth. *Turnew est enlement q̄*
si home soit empled &c. And know ye, y wher
the kinge hath graunted fraunchises to the
City of London, or to any other towne, that
they shal not be empled of landes or tene-
ments within their fraunchises, ne of any o-
ther thing out of the same frāchise, they may
haue a bill which is called *freshforce* in the
nature of assise of nouel disseisin, *Mortd.* or
Intrusiō. But it behoueth that it be brought
within xl. daies after title growen, and if not
then it behoueth that the sayd Citizens haue
other writs out of the Chaucerpe into the
Hustinges

Hustinges of London, and if afozeiner bying
 assise oz other writ of tenements in London
 oz in other towne fraunchised retournable be
 fore the Iustices. Then the bailife of y^e fraū-
 chise may come and demaunde knowledge of
 the plee by a writ of the king, and they shall
 geue a certaine day in the fraunchise, & then
 are they of the fraunchises as Iustices of y^e
 king. But al maner of pleges parsonalles, as
 Dette, Trespas, oz Couenants, may be ple-
 ded in their fraunchises by pleinte, without
 bringing any writ at the common law, there
 they may demaunde their knowledge & frā-
 chise, vt sup^{ra}. But know ye, that if the frā-
 chise be not demaunded in tyme, that is to say
 if proces be sued vnto the Exigent, the frā-
 chise shall not bee allowed. For that, that in
 suche case the franchise may not make right
 accordyng to the proces awarded in the court
 of y^e king. And also in a Quare impedit, though
 the fraunchise be challenged it is not allow-
 able. For that that the execution of that may
 not bee awarded in the fraunchise. And also
 in plee of lande, if the tenaunt make defaulte,
 then the Stewarde, oz the Bailifes of y^e frā-
 chise at the graunde Cape retournable shall
 not haue knowledge for that, y^e hee may not
 geue iudgement vpon the default recorded in
 the court of the king. As appeareth Hillary
 40. E. 3. in the beginning.

It is to be known, that euery writ which
 toucheth free holde in London ought to bee
 directed

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Directed to the Maier & Shrifes of London.
But al other writtes which are at the com-
mon law in the same city ought to be direc-
ted to the shrifes onely.

¶ A writ of right of Dower.

Rex A. salutē, Precipim⁹ tibi, qđ plenū
rect teneas D. q̄ fuit vxor C. de tertia p-
te vnius mesuagij cū ptiā in L. quā clām
tenere de ff. s. de domino in dotē p liberū
seruiciū tertia partis vni⁹ denarij p annū
p omni seruiē qđ H. ei⁹ defozceat. Et nisi &c.
ne amplius &c.

This writ of right of Dower lyeth where
a woman hath receiued parte of her dow-
er, & she wil demandaund the remenant against
the same tenaunt in the same towne. he shal-
be compelled to the foresaid writ. & the sayde
writ shalbe directed to ȳ heir or his gardein,
if he be in warde. But if ȳ heir be in so great
pouertie that he hath no court, then it shalbe
directed to the chiefe Lordē for default of the
heire. And this writte is remouable, if the
Lordē will not doe right to the partye, as
afoze is saide in a writ of right patent. And
where a woman is endowed and after is dis-
seised, and the disseisour continueth longe his
possession, and after the woman puttech him
out, and the disseisour doth recouer by assise,
the woman hath no recouery, but by a writte
of right of dower, as it is said. And know ye
also, that if the woman hath recovered parte
of

of her dower, and part from her be defozced,
 or if she recouer al her dower saue a certaine
 parcel therto belonging, in these two cases &
 woman shalbe compelled to demaunde it, by
 a writ of right of dower. And know ye that
 euery maner of Baillyweke, or office, in whi-
 che the husband of the wife hath fee, whiche
 Baillyweke or office the wife her selfe (or as
 ny other) in her name may sufficiently kepe,
 in all such offices, or Baillyweke, he shal haue
 dower. But if it be the office of & Steward-
 ship, or Marshalship of Englande, whiche
 two offices she cannot by her selfe nor by de-
 puty, take vpon her, therfore she shal not be
 endowed of them.

Know ye that a woman shall haue a writ
 of right of Dower of the halfe after & vlage
 and custome (as in Kent) and other such pla-
 ces called Gavelkind. But if the woman com-
 mit fornication, or take a husbände, shee is
 barred of al her dower. As it appeareth by
 the statute of Perogatiua regis in the ende
 cap. xviij. But if she wil liue wout a husbände
 she shalbe endowed of & halfe of al & land.

¶ Addition.

Know ye that a woman shal not haue do-
 wer of Estouers, that is to say, Housebote,
 & Heybote, belöging to & freehold of her hus-
 bād. For &, that if her husband had bene de-
 forced of the profite, or his heire of two partz
 none of thē should haue a Precipe quod reddat.
 For if the wife shuld haue a Precipe qd' reddat
 the

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the heire should haue it also, so þ̄ enery of the
shal haue as much as þ̄ husbād had. And for
þ̄ such profits may not be p̄ted, as charcoles
in þ̄ woods of any other. Ne foster in fee, ne
chāberlaine. And if suche profite discende to
siue parceners, enery one shal not haue suche
profit, but one parcener shal haue þ̄ whole. p̄
fit, & these other shal haue allowāce. And so þ̄
wife shalbe allowed for her dower. H. 2. C. 2

¶ Writ of Dower, whereof
she hath nothing.

R Ex viē Miod salutē, p̄cipe A. qđ inſte
ec. reddat E. q̄ fuit vxor E. rationabilē
dotē suā, que eam contingit de libero tene=
mento, quod fuit predicti E. quondam vir i
ſui in A. vnde nihil habet vt dĩē. Et vn=
de queritur quod predictus A. ei defor̄ceat
niſi &c.

This writ of Dower vnde nihil habet, lieth
in many maners: that is to ſay, if a mā ma=
rie a woman generally ſpeaking nothing of
dower, then after þ̄ death of her husband, the
wife may recouer the third part of all ſuche
lands or tenements which were to the huſ=
band (during the marriage betwixt them) by
this writ afozeſaid.

But if ſhee hath receiued part of her dower
of one man, of thoſe landes and tenements in
one towne, if ſhee will ſue for the remenant
which is behinde againſt the ſame tenant of
thoſe lands and tenemēts in the ſame towne.

Then

Then shee is put to her writ of right of dower, & not to the foresaid writ. And y^e process is graund Cape, & petit Cape.

¶ Addition.

But know ye, that if a man bee seised of fower acres of land in one Towne, and take a wife, and make a lease of one acre for terme of life of the lease, and hath issue and dieth seised of these thre acres, & his heire entreth: & endoweth his mother of these thre acres, & after the tenaunt for terme of life dieth, and the issue entreth (as in his reuerſion) now the wife shal haue a writ of dower Vnde nihil habet, of the acre which was leasled, and not a writ of right of dower, for that, that the heire was not tenant of the free holde of that acre when he endowed his mother of these other thre acres.

Another case is, when a man hath married a woman, and she is endowed at the church doore of certain lands & tenements in a place especiall, in this case though the husbande haue more or lesse when he dieth they shal recouer by the foresaid writ al those lands & tenementes which were to her assigned at the church doore in name of her dower. But if she will, she may refuse this assignement, & take her dower at the comon law.

The thirde case is such, when the father graunteth to his sonne to endowe his wife of al such lands & tenementes that to him ought to discende by the same father, & after y^e the sonne

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Sonne dieth, the wife shal recover $\frac{1}{3}$ third part of all the fathers land. But in this case some men say that if the wife haue no writinge of this endowmet she shal recover. A. 40. E. 3.

And note ye, that the wife shalbe endowed of lands and tenements which her husbände had in fee simple: or fee taile. But in some case the wife shal be endowed where her husband was not seised, ne neuer in possession. As if my father die seised of certain lands, & tenements in his demeane as of fee, & no m^a entree in the lande, & I die, my wife shalbe endowed, & that is in fauour of dower, & yet I was not seised of the land.

And know ye, $\frac{1}{3}$ in these cases folowing, $\frac{1}{3}$ wife shal not be endowed of landes or tenements, in which her husband was seised in fee simple, or fee taile during the marriage.

As if land be geuen to him and to his first wife, and to the heires of their two bodyes begotten, in this case the second wife shal not be endowed. Or if the husband commit felony, for the which he is attainted, though after the said attainder he purchase his charter of pardon of al those landes whercof he was so seised before the said attainder. But of lādys purchased by the husband after that he hath his charter of pardon, she shall haue dower. Or in case that my auncester holde certayne land of the kinge in chiefe and die seised, if I enter into my heritage without proces of the law, & dye seised before that I haue a charter of

of pardon of the kinge for my entrie, my wife
shal not bee endowed of the lande. Looke in
Prerogativa Regis Cap. xliij. Or in case the
tenements bee recovered against the husband
by action tried. Or by action against her hus-
band rightfully without disceipt or collusion
pleaded and iudgement of the Court. Or if
perpetual deuorze be had betwixt the husband
and his wife. Excepte it bee because of chas-
titie. Or if she go away from her owne hus-
bande with another man, and not reconciled
by her husbände of her good will, without
cohercion of holy church. Or if her husbände
be villaine. Or if her husband die within the
age of vij. yerres. Or if a man mary his niece.
Or if her husband loose his lande by battaile
or by greate assise. Or if the husband haue but
estate for terme of life or for yerres.

Know ye that a woman shall not be en-
dowed of the goods of her husbände, for the
husbände may sell them or geue them at his
pleasure. H. 7. H. 8.

A woman shall not be endowed of estouers
that is to saye, Houschote, Heybote, for that
that if the husband had bene deforced of all,
or the heire of two parts, he should not haue
had a Precipe quod reddat, as is befoze saide in
a writ of right of dower. H. 2. C. 2.

In these cases befoze saide, and in manye
other mo: he shall haue no dower, ne recoue-
rie by the saide writ.

And know ye, that by Statut of Merton
Cap.

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Cap. i. The wife shal recover damages in the said writ: for the lands of which her husband died seised. Except the ternaunt come into the court at the first day, and say that he is ready to peld to her dower.

¶ And know ye, that this writ shalbe maintained against whom so ever be in possession of the lands and tenementes which were to her husband after the espousels, in what manner so ever that hee is in possession. But the wife shal not recover damages in these writs but for lands & tenementes whereof her husband died seised.

¶ And know ye, that in these cases following the wyfe shall be endowed of landes or tenementes, in which her husbande was seised in fee simple, or fee taile during the marriage. C. 2. B. 2.

¶ Know ye, that a woman shall be endowed of a villaine in grosse, & writte shalbe de Libero tenementis. C. 11. B. 4. B. 22. C. 4.

¶ Know ye, that a woman shall be endowed of a rent charge.

¶ In a writ of dower, the tenant sayde that her husband was never seised. And the demandant said that the father of the husbande of the demandant dyed seised, by force whereof those lands descended to her husband, & he died before any other estreaunger entreth. And so seised and of such estate &c. of this season in law the wife shalbe endowed.

¶ The graundfather, father, and the sonne.
The

The grandfather holdeth of the king, and dieth, the father being of full age, haupnge a wife and dieth, before that hee sue liuerpe or entrey: his heire within age. The escheour doth lease the sonne, & committerh the ward of the body and lād to a strāger, in this case the wife shalbe endowed, and the witt lieth against the gardeine. But if the father had etred, & died before liuery sued, y wife shall not be edowed. For the statutes: Nullū ac- crescat ei liberum tenementum, prerogatiua regis. Capit. 12. M. 4. W. 6. & M. 38. C. 3.

¶ Rent was graunted to a man in fee, & he tooke a wife: & before the daye of payment he died, and the wife brought a writ of dower, and the tenant saide, that her husbāde was not seased during y esponsels. In this case the demandant may maintain that her husband was seased, and shewe the speciall matter in the euidence, for she shal not haue y special matter by way of plee. C. 11. W. 4.

¶ Tenant in the general taile, made a feoffement in fee, and toke estate again to him and to his wife in the special taile and hath the issue and the wife dyeth, and after he tookes an other wife and hee dieth. The secōd wife shal recouer her dower for that that her husband was seased of such estate &c. But shee shall haue the auerment that her husbāde contynued hys estate by force of the tail. M. 41. C. 3.

¶ Knowe yee, that if I enfeoffe one vppon
B. i. condici-

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condicion & he shal enteeffe another man before such a day, in this case though the same day he make the scoffment, yet his wife shal be endowed. **C. 34. E. 3.**

If lande bee recovered in value agaynst the husbände because of a warrantie made by his auncester afore the mariage, yet the wife after his death shalbee endowed. For the husband might have aliened the land before that he was vouchèd, & then he shoulde not have yelded in value. And by consequēce the title of the wife is elder. For the title of him which voucheth, beginneth but the day of the voucher. **C. 5. E. 3.**

If the heire after the deathe of his father enter and take a wife, and after doth edowe his mother, his wife shalbee endowed of þat part whereof that his mother was endowed before. For that, & he was seased of þe same lande, one time in fee. And if þe lord purchase the demene and after the meane dieth. And the wife recover her dower by writ, shee shal not pay the thirde parte of the rent. For by the purchase the rent was extinguished. And notwithstanding shee shal recover her dower, yet he may not anow, for shee is not ternaunt. **M. 25. E. 3.**

Lorde, meane, and tenant are, the ternaunt holdeth of the meane by a peny, and þe mean holder the over by xx. s. the meane releaseth to the ternaunt, al the right that he hath in the lande, and the ternaunt dyeth: hys wife shal be

be endowd of the lande. And shee shalbe attendaunt to the heire of the thirde part of the peny, and not of the thirde part of the .xx. s. for shee shalbe endowd of the best possessiō of the husbāde.

If I geue lande afoze the Statute, or at this day to a man in taile to holde of mee by a peny, and after his decease his heire to pay to mee .xx. s. for euer, he dieth his wife is endowd of the land, shee shalbee attendaunt to the heire of the thirde part of the .xx. s. for it is all one rent and of the same rent y^e lande is charged by cōdicion in deede, and she may not haue acquitāce of y^e heire, for that y^e lād is charged by the deede of y^e father of whose possession she claimeth dower. B. 22. E. 3.

In a writ of dower brought against the Gardene, hee alledgeth that she hath taken away the infant whiche was in his warde, & demaund iudgement of dower afoze restitution, & y^e was a good plece: & if shee make not restitution of thinfant in like plite as he was when he was taken away, she shal not haue dower. B. 8. E. 3.

In a writ of dower the case was suche. The father and the sonne are, the father is seased of thzee acres of lande, the father dyeth, these thzee acres descend to his sonne y^e sonne taketh a wife, and endoweth his mother of one acre in allowāce of al her dower, this dower of old tie deserued, is a good ple in barre (if y^e wife of y^e sōne do bring a writ

B. ij.

of dower

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of dowter of thatacre agaynst the mother) not
withstanding the endowment agaynst comō
right. H. 6. C. 3.

In a writ of dowter brought agaynst a
Gardaine, which saith that the wife wyth-
holdeth chartours and muniments concer-
ning the heritage of the infant that is in his
warde, and if she would to him haue deliue-
red the chartours, hee was redy to yeide do-
wer, and for that & the deliuey of the char-
tours belongeth not to the Gardeine, shee
shal recouer. So it is thought that this plee
lyeth not in the mouth of any mā to pleade,
but onely in the mouthe of the heire. H. 20.
C. 3.

A writ of Admeasurement of dowter.

Rex viē salutē. Questus est nobis W:
fil & her B. vel frater, vel consangu-
neus et W. qd A. qd fuit vxor C. plus ha-
bet in dotem de libero tenemēto quod fuit
predict C. quondam viri sui in M. quam
habere debet et ad ipsam pertinet habend.
Et ideo tibi precipimus quod iuste & sine
dilatione admensuari fac dotem illā. Ita
qd predicta A. non habeat plus in dotem
de hereditate predict W. quam habere de-
bet, & ad ipsam pertinet habend secundum
rationabilem dotem et quod predictus W.
habeat de dote illa ad quod habere debet &
ad ipsum pertinet habend. Ne ampli⁹ ec.
This

This writ of admesurement of dower: lyeth against the wife. And by the statute of westm. 2. cap. 7. which beginneth: *Custodi de cetero &c.* it is geuen as wel for the gardeine as for the heire, but the heire maye not haue this writ befoze that hee be of full age. And also he may haue a writ to remoue this writ out of the county into y^e common bāke. And knowe yee: that proclamacion shalbee made in this writ of admesurement, & other writtes, as is conteyned in the saide statute, and therefore looke the statute. And knowe yee that the wife of the tenaunt which holdeth of the king in chiefe, may not enter in her dower, befoze that she hath receiued her dower by assignement of the king. And yf shee marye without licence of the king, shee shal make fine. And when shee hath her dower assigned, she shal sweare that shee shall not marpe without licence of the king. And if she mary without licence. vt supra, then y^e lands that shee hath in dower shalbe taken in the hāo of the king for the trespass. Ut pz. in prerogativa regis. Cap. iiii. And she shall make othe, as is aforesaid, and with that accordeth *Magna carta cap. vii.* which beginneth. *Udua post mortem mariti sui. &c.*

A writ of right, de *Rationabili parte.*

R *Ex A. de B. salutē, pzec tibi qđ plenum rectum teneas C. de B. de vno mesua-*
B. ij. gio

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gio cum pertiñ in Lōdon, qđ clām esse rā-
tionabile parte sua, qđ eñ contingit de libe-
ro testito quod fuit p. patris, matris, fr̄is,
vel sororis sui vel sue, & tenere de se p li-
berū seruiciū quarte partis vnius denarij
p ānum pzo omni seruiz qđ G. ei desor-
ceat, et nisi feceris &c. ne amplius &c.

This writ of right de rationabili parte: lyeth
al times betwixt priues of blood as bee-
twixt brothers, sisters, ne newes, or necces,
& not betwixt strāgers. And if it be brought
betwixt strangers, the writ shall abate.
And also it lyeth where mine auncestour di-
ed not sealed, as yf anye man whiche hathe
manye coheires make a lease for certain lād,
rent or teneiment, for terme of life of s̄ lessee,
or for terme of anothers lyfe, and dyeth bee-
foze that the reuercion of the saide landes be
to him reuerted. And after that the lessee di-
eth or bee for whose life the lande was let,
and one of these coheires (to whom the land
oughte to reuert) doth entre, and holdeth all
the other coheyes out, then they which are
holden oute, shall haue the sayde writte a-
gaynst that coheye that hath entred into the
whole lande. And knowe yee that this writ
is a writ of ryghte patent. but it shal not bee
tried by battayle, or graunde assise. And
thys writ lyeth not betwixt patents which
claymeth by discent (after that it passeth the
thirde degree) but it lyeth betwixt brethren
and sistern, where the one claymeth by char-
tour

tour, and the other by discent, for this writ is not ordeined, but for to trye the pruitie of bloud. And the processe is a **Somons**, and if hee make defaulte at the **Somons** retournable, then the graunde **Cape**. But if hee come at the **Somons** retournable and after make defaulte, then the petite **Cape** shall bee awarded. But if the parties come & pleade to issur, then the processe is agaynst the **Jurpe**. *Venire facias*, *Habeas corpora*, and a distress untill they come. Also there are other writs, as of **Escheate**, **Droit sur disclatmer**, mean, **Cessant**, **Droit de gard**, whiche are called **wittes** of ryghte beccause that they are taken by reason of the seigniorpe: and not beccause of disseisin to him, nor to their auncestour.

Item if a man hath issue.ij. daughters by diuers women, and dyeth, they entre & make propertie betwixt them, if the one die without heire general, or speciall: her parte shall escheate to the lord, and shall not discent to her sister of the halfe bloud, but yf that sister haue an vncle, the land shall dyscent to the vncle, & if the vncle die without heire of his body, y land shall discent to the other sister which was of y half bloud, & *contra*. *Quere hoc*. If a man haue issue two sones by diuers women & dieth, the elder dothe enter in the land, & dieth without heire of hys body, the land shal disced to his vncle. And if the vncle die without heire of his body,

W. iii.

the

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the lande that discend to the yonger brother
as cosin & heire to him.

CA wytt of right close.

Rex ec. ballivis suis de A. salutē, p̄t̄ ho-
bis q̄ sine dilacione ac secūdu cōsuetū
dinē manerū nōstri de A. plenū rectū te-
neatis B. de C. d̄ vno mesuagio cū p̄tisi in
L. quod ei de for ceat, ne amplius, &c. teste.
ec.

This wytt of right close (which is cal-
led after the custome of the maner) shall
be at times broughte in the court of auncie^t
demeane. Also every wytt, that is sued vpon
the custome of the maner, is called a wytt
of right close. And thys wytt lieth al wayes
betwixt Sokemē, whiche are of auncient de-
meane. And knowe ye that a Sokemā is p̄-
perly such one that is free, & holdeth of the
kinge, or of any other lord of auncient de-
meane, landes or tenementes in villenage
and y^e is privileged in this maner, y^e no mān
ought to put him out of his lande and tene-
ments. as lōg as he is able to do his servi^z
which to his landes & tenementes belōgethe
no man may encrease the services of his ten-
ant, nor constrayne him to doe mo services
then he hath done in time past and for that
these Sokemen wer gainours of y^e lordes
landes in auncient demeane. And they ought
not to be somoned, nor traueilled, in Juries
nor enquestes but in the maners, to whom
they belonge, But yet in plets of trespass,
det

and other personal accions. they are summonsed as other people. And of these tenants in villenage loke the first statute of R. ii. the ii. cap. vi. And one Sokeman may not emplede another of lands & tenements whin auncient demeane by another writte then thys writte of right close. And in this writte the demaundaunt shal make his protestacyon, in the court, to sue his writ in the nature of what writte that he will, as his case lyeth. And knowe ye, that this writte shall not bee remoued, but for a great cause, that is to say, when the courte lacketh power or for that, that he saith that his father was forced by our soueraine lord the king, & saith that he maye not, ne ought not without the king make answer. Or he saith that he holdeth the tenements which are in demaunde at the common lawe, by fine leued in the court of the king afore such Iustices, & for that the ple may not be sued forth by this writte of right close in the court of auncient demeane & many other causes are, whereby thys writte maye not be remoued by the recordare, at the sute of the tenant. Knowe ye that all those landes or tenementes whiche are in the hand of the lord of auncient demeane, are frak free and pledable at the comon law. And all these lands and tenements which are in the hands of those tenants of auncient demeane are pledable within auncient demeane, and not in other places. And knowe ye, that the
demandant

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Demaundant in this writ maye not remoue the plee for cause, nor without cause, for that that hee may not haue a Colte to put it into the countie. nor remoue the plee out of the countie into the common banke. But if hee complain, that right to him is denyed or delayed in auncient demeane.) And then hee shall haue a writ oute of the Chauncerye to the shirife of the same countie, commaunding hym that hee go in his propre persone, taking with him fower knights of his countie. and go to the laide court of auncient demeane to see that right to him be done. The Demaundant also maye haue other writs to helpe him, as it appeareth by the Register. And also the tenant may haue a Superfedias, in case & hee vouch a forein to warranty in the court of auncient demeane. And vpon & one attacheint (if neede be.) And in case, & & sayd lands in auncient demeane bee solde by fine without licence of their lord, hee maye haue a writ of the Chauncery, for to adnull & said fine (as it is said) or other wates, hee may haue a writ of Disceit against his tenant & hath leuied the said fine, & recouer his damages, vt dicif &c.

Addicion.

And note, whiche are good causes in this writ to remoue one matter out of one particular court into & kings court &c. Knowe ye, & it is said in assise broughte by & Abbot of E. &c. & it is good cause to remoue & plee.

to say þ the bayly is seruant of the plaintife. And it was sayd if one plee be remoued out of the courte of one lord, for one cause the cause is trauerfable but of one plaint, out of the countye otherwise is. Quere the diuersitye.

In assise of freshforce brought in auncient demeane, the tenaunt sued a Recordare to the shirife, for to remoue the plee, & the cause was þ the bailife had a liuery & of the plaintife, & the plaint was of the frechold. And it was holden þ this cause was not sufficient, to put the court out of Iurisdiction, for the iudgement belögeth to the iutours, and not to the bayly. And not like to one Recordare, to remoue one plee into the countye, and to shew þ þ shirife hath a liuery of the plaintife: there the plee shal not bee demanded for þ, that the one & the other are the courts of the kyng. H. 12. H. 4.

**A writ of right of Precipe
in Capite.**

R Ex viꝛ S. salutē, pꝛecipe A. qđ iuste &c. reddat B. vnū mesuagium cū pꝛisū in C. qđ clamat esse ius & hereditatē suā & tenere de nobis in capite, & vnde queritur qđ pꝛedictus A. ei iniuste deforceat, vꝛ diꝛ. Et nisi fecerit, & pꝛedictus B. fecerit te securum de clam̃ suo pꝛos. tūc sum, &c. qđ sit coram iusticē &c. ostensurum quare nō fecit, & habeas &c.

This

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This writ of Right precipe in capite, lyethe
for the tenaunt which holdeth of the king
in chiefe, as of his crowne, which tenaunt is
deforced, then he shal haue this writ, & thys
writ is close, and shalbe pleaded in the comō
bank. For if any tenaunt which holdeth of
any lord be deforced, he ought to haue a writ
of right patent, which writ shalbe determi-
ned in the court of the sayd lord. And in the
same maner, he þ holdeth of the king in chief
as of his crowne (if he be deforced) hee shal
haue a precipe in Capite. But by the graunde
chartour. cap. xxiij. whiche beginneth. *Wzeue*
quod vocatur precipe in Capite, will that this
writ shal not bee graunted to any mā wher
by any free man may loole his court. But if
any will haue this writ, hee shal sweare by
hys faith that the tenement, whiche is in de-
maunde, is holden of the king in chiefe, as of
his crowne, and of none other. But if anys
man purchase the precipe in Capite, by false
suggestion made in the court of the kinge, to
defraude the chiefe lord of his courte, then
the chiefe lord shal haue a writ to cal againe
the plee directed to the Iustices, that they
may enquire if the tenements be holden of þ
king or of the chiefe lord. And if it be found,
that the tenementes are holden of the chiefe
lord then the Demaundant if he will, maye
bring his writ of right patent in the court of
the lord.

And know ye, þ if any man be essoined de
[malo

male letti in writ of right, then if the demaundant will prouue & the tenant is not so sicke (but & he may come wel inough) and the enquest finde againste the saide ternaunt, his escoine shall turne him in one default. And also this esdine lyeth not but in a writ of right, where two claimeth by one discent. And that is ordeined by the statute of west. 2. cap. 17. which beginneth In itinere Iusticiar. And vpon that the demaundant shal haue a writ out of the Chauncery to enquire (if the tennit be sicke or not). And also if the tenant hath demaunded licence to rise and to appeare in the court, where the writ of right hangethe. And if to him it be denyed, the he shal haue a wrytte (whiche is called) De licencia surgendi &c.

¶ Addition.

¶ Then the lord may recouer his courte by two other wayes, & is to say, when the writ hangeth befoze the Iustices, hee may come befoze them and shewe his case, howe these tenemets are holde of him. And if the Iustice see and finde his suggestion true, & writ shal abate. Ut patet. An. 7. E. 3.

¶ Or if & demandat recouer by this writ, & lord may after bring a writ of discent against & demandant & recouer his damages against him. And after by petition, hee shall recouer his seigniorpe of the handes of the kinge. Ut patet.

¶ A writ

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¶ Writ of Monstrauerunt.

Rex Abbati de A. salutē. Monstrauerūt nobis homines, de manerio de A. q̄ est de antiquo dñico corone Anglie q̄ tu exi-
gis ab eis alias consuetudines et alia ser-
uicia q̄ facere debent & antecessores sui te-
nentes de eodē manerio facere consueue-
runt, partibus quibus maneriū illud fuit
in manibus progenitorum nostrorū quod-
dam regam Anglie, vel in manu nostra et
ideo tibi precipim⁹ qd̄ a prefat̄ hominibus
non exigas siue exigi permittas alias con-
suetudines & seruicia q̄ facere debent, et
antecessores sui p̄dicti facere consueuerūt
temporib⁹ p̄dictis. Et nisi ad mandatum
nostrū hoc feceris A. viē nostro de A. id
fieri precipim⁹ teste &c.

The writ, whiche is called Monstrauerunt,
lyeth for the tenautes in auncient de-
meane whiche are distrayned for to make o-
ther seruices, or customes, then they or their
aunccestours made in the tyme of Wylliam
Conquerour whychē passethe the tyme of
memozre.

And knowe ye, that this writ shalbe di-
rected to the lorde whiche demaūdeth other
seruices or customes (as afore is saide) hym
commaunding, that he demaund none other
seruices and customes, but such that he and
his aunccestours haue done in auncient de-
meane tenure. And also they may haue a Mo-
strauerunt directed to the hyrse hym cōmaun-
dyng

ding that he shal not suffer y^e lord to distrain the sayde tenauntes to do other seruices and customes then they ought to do. And knowe pe that if the tenaunt may not bee in quyet ne peace by this writ, they may haue one attachment against the lord, that he bee before the iustices of our soueraigne lord the king, at a certaine day &c. And the names of all the tenauntes, shalbe put in the writ, and all the tenauntes together shall sue the sayde writ, for if one tenaunt bee distrained to doe other seruices or customes (then they ought to do) that shalbe in preiudice of al the other tenauntes, whiche holdeth by like manner of seruices &c. When the booke of Domesdaye was made, that is to saye, in the time of saint Edward the king, all the landes & tenements which were in his handes at suche time y^e the booke of Domesdaye was made, are called auncient demeane. But y^e landes & tenements which then were in other mens hands, are frank fee. & pleadable at y^e comou lawe. And y^e proces is a prohibition, one attachment, & one distress &c.

¶ Addicion.

¶ Knowe pe, that in this writ of Monstraunce euery one of the may declare seuerallye, and so they maye not in other writs but in this writ. And they may make one declaration (if they will.)

¶ And i this writ, y^e death of one of these plaites shal not abate the writ, by the opinion
of

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of the courte. Notwithstandinge that al be not named, yet the writ lyeth for those that will sue, by Wabb. D. 36. E. 3.

¶ And in this writ they shal declare of every tenure, and that the Lord then distrained for mo seruices. Or if he demaunde and distraine not, yet the writte lieth for them, and they shall put in certaine, for what thing he doth distraine them. But they ought not to alledge the daye & place incertaine, no moze thē in a writ of Heane, for a man shal haue a writ of Heane, though he were neuer distrained. D. 18. E. 3.

¶ And also it is cōueniēt, & y^e plaintiff shew, & y^e matter is auncient demeane. D. 39. E. 3.

¶ And know ye, & this writ lieth not for such men & holde lande in auncient demeane, by court rol at the wil of the Lord. D. 41. E. 3.

¶ A writ of Ne iniuste vexes.

Rex A. salutē. Prohibim⁹ tibi ne iniuste vexes vel vexari permitt. D. de libertate tenentis suo: qd de te tenet in D. nec ab eo exigas vel exigi pmittas consuetudines & seruicia: que inde facere nō debet nec solet & nisi feceris vite D. id fieri faciet, ne ampl⁹ in dām aud. p defectu recti, teste &c.

¶ This writ of Ne iniuste vexes, lieth wher as ny lord both distrain his free tenāt, which holdeth of him by certain seruices & custōes to doe moe seruices or custōmes then hee or his auncestours was wont to doe, then the tenant

tenant shal have this writ; as is prouved
in the statute of Magna carta Capitulo. 10.
which beginneth (Nullus distringatur &c.
And this writ is a prohibition which shalbe
directed to the chiefe lord commanding him
that he distrain not his free tenant to do any
other service, nor custome then the said tenant
or his auncestour was wont to doe. And
this writ is a writ of right patent, for this
clause shalbe put in the writ. Et nisi fecerit
&c. And know ye that this writ, is al times
auncestrel & shalbee determined by battayle
or ground assise. And the proces is, as in the
Monstraverunt, & is to say, one prohibition, one
attachement & distresse.
Know ye, & in this writ hee shall not de-
clare when hee distreined, but shall saye &
hee hath hym greued for moe services &c.
W. 4. E. 3.

CA writte of right, Quando dominus
remisit curiam suam domi-
no regi.

REx vicecomiti in dno salutē. Precipe A.
qđ iuste &c. reddat B. unum messua-
gium cum pertineciis in F. quod clamat esse
suum, et hereditatem suam. Et unde querit
qđ predictus A. ei iniuste deforciat. Et
nisi fecerit et predictus B. fecerit te secu-
rum de clamore suo pro, tunc sum perdo-
nos sum predictū A. qđ sit coram Justit-
ciariis, &c. ostensurus quare non fecerit.

C. 1.

Et

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Et habes ibi summi, & hoc bene teste. Quia capitalis dominus nobis inde remisit curiam suam.

This writte of right Quia dominus remisit curiam suā domino regi, lieth in case wher lands or tenements (which are within the seignorie or of any lord) are in demaunde by a writ of right. And if the lord holde no court, or otherwise, at the prayer of the demaundant, or the tenant shal send to the court of the kinge his writ, to put to the king his court for that time, sauinge to him another time the righte of his seignioy. And this writ shal be retored before the Iustices of the common bāke and shalbe close. And these causes shalbe put in the writ in the ende, Post teste me ipso &c. Quia capitalis dominus feodit illius inde remisit nobis curiā suā &c. And the proces is, somons grande cape & petit cape.

A writ of execution of iudgement.

REx vñ Mido salutē. Precipim⁹ tibi, qđ exē iudicii nup reddis in comi tuo de loque la que fuit in comitatu tuo per breue nostrū, de recto, inter A. petentem & B. tenentem de vno mesuagio, cum pertinentijs in L. sine dilatione fieri facias.

This writ De executione iudicii, lieth wher any plee is pleaded vnto iudgement, and the Shirife (if the plee be in the county) or þ bailife (if he be in court baron or in hūdzēd)

in fauour of the tenaunt or by other chaunce
prolong or deferre the iudgement, then þe de=
maundant shal haue this writ. And this writ
is one Justicies. But if hee make execution
thā shal there go out a Sicut alias, with a clause
(vel causā nobis significes) & after that one
Distries, than shal goe out attachement as
in a Rept. And know ye that this writ lieth
for the demaundant in a writ of right patēt
or close, aswell againste the bailife (if the pce
be in another court) as against the shirife if
the pce be in þe county. And also in this writ
lieth the proces of a cōtempt, & may be made
in al other writs if neede be &c.

A writ of false iudgement.

R Ex. vii. Noz. salutem. Si A. fecerit te se=
cū de clam suo pro. tunc in pleno com tuo
recozdari fac loquelam, que fuit in eodem
com per breue nostrum de recto, inter ipsam
A. petentem de vno mesuagio cum pertinen=
tijs in C. vnde idē A. queritur falsum sibi fac=
tum fuisse iudiciam in eod com. & recoz illud
habeas corā Justiciarijs nostris apud West.
tali die sub sigillo tuo & sigillis iij. legalium mi=
litrū eiusd com ex illis qui recoz illi interfue=
rint. & sum p bonos sūm p dicit B. q tūc sitibi
auditu recoz illud. Et habeas ibi sūm nomi=
na p dicit quatuor militū. & hoc breue teste &c.

This writ De falso iudicii, lieth where false
iudgement is geuen in Countie, hundred
or in Court Baron. then he (again & whom
this is geuen) shall haue thys writte for

C. ij.

to

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to cause the recorde to be brought before the Justices of the bank, or in Eyre. And know ye, that this writ shal extend aswell to writs of right which are pleadable in countye, or in court Baron, without writte. And know ye that a writ of false iudgement lieth not in assise of freshe force, but a writ of error. And know ye that the proces in this writ against the party is a garnishment vpon his peril, & against the shirife, or against those bailifes, if they doe not the commaundement of y^e king by distresle, &c.

Addicion.

Know ye vpon which iudgements a man shal haue a false iudgemēt, if one Justice be directed to the shirife, to holde plee notwithstanding y^e it be original, yet he shal haue a writ of false iudgement &c. Tri. 34. H. 6.

And in a writ of right, that the tenāt doth pleade to thenquest, & at the venire fac y^e tenāt is essoined, & hath daye ouer, & no proces is made against thenquest, ne cōtinued by y^e rol. And also at the same day y^e the tenāt hath by the essoine he is essoined another tyme, & that is challenged for that, y^e this is y^e second day after thenquest, notwithstandinge that, y^e essoine is allowed. And also after such discontinuāce, if the plaintife be nonsuite in y^e writ of righte, & iudgement final be geuen, in al these cases, hee shal haue a writ of false iudgement &c. H. 22. C. 3.

In a writ of righte close brought in the court

court of the lord, the proces doth continue vntil the demaundant do reconer, the tenat doth sue a writ of false iudgement, & sheweth þ the land is holden by the verge, in which case he ought to sue by bil, and it was awarded þ he should take nothing by his writ of false iudgement, for that, & if this iudgement be reuerled þ shal be assigned a free holde to the tenaunt where he lost no such thing. *B. 13. B. 4.*

Tenant at will of the Lord, after the custom of the maner, brought a writ of right, & made his protestacion to sue in the uature of assise of Mordauncester, the proces did continue vntil the demaundant did reconer, & þ tenant brought a writ of false iudgement, and assigned that he should take nothing by his writ for the reason aforesaid. *B. 13. B. 2.*

In a writ of false iudgement, if the shirife returne that he went to the court, & that the iutours said, þ here is no such ples, then ther shal go out a Sicut alias, & not a writ to cause þ iutours to come but in case, where the party wil haue, that the recoorde is other then these iutours hath recorded. *E. 19. E. 3.*

And know ye, that if the shirife geue false iudgement, wher thassēt of the iutours, þ ppe shal not haue a writ of false iudgement, but shal haue his remedp (by bil) against þ shirif.

A writ of Errour.

Rex balliuis suis de Droñ salutē. Quia in recozdo & processu, ac etiam in redditione

E. 19.

iudicij

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iudicij assise fresce sopte, que inter B. & B.
 sum fuit, & capta coram nobis in curia nostra
 Drofi sine breue nostro secundum consuetu-
 dinem ciuitatis predicte de vno mesuag. cum
 pertiñ in Drofi error interuenit manifestus
 ad graue dampnum ipsius B. sicut ex querela
 sua accepimus nos errorē si quibz fuerit mod
 debito corrigi, & p̄tibz p̄dictis plenē & celerē
 iusticiam fieri volentes in hac parte vobis p̄
 quod si iudicij inder edictū sit tūc recoz dñ &
 p̄cessū assise predicte cū omnibz ea tangenti-
 bus nobis sub sigillis vestris distinctis, & aper-
 te mittatis, & hoc breue ita quod ea habeatis
 a die & c. vbi cūqz & c. vt inspectis recoz do & p̄-
 cessu p̄dictis vltius inde fieri faciam⁹ qd
 de iure & secundū legē & cōsuetudinē regni n̄rī
 Anglie fuerit faciēd, teste & c.

This writ of Errour, lieth in case where
 false iudgement is geuen in the common
 bank, the which writ shal bee retourned into
 the kings bench, & if the false iudgement be
 geuen in the kings bench, it shal bee reuerled
 by parliament, or by the kings great coun-
 saile by peticion shewed befoze them. And if
 false iudgement be geuen in the cite of Lō-
 don befoze the shirifes of the same cite, then
 shal a writ of Errour bee sent to the Shaler
 & shirifes, & they redress the saide iudgement
 befoze them in the Hustinges nexte to come.
 And if they do not redress the said iudgement,
 then shal there be certaine Iustices assygned
 by the kings cōmissiō to sit at saint Martins
 the

the grete by Nisi prius, for to redresse & sayde
iudgement. And if the default be found in the
said Maier & Shirif. they shal be punished
for their misprision, by ordinaunce contained in
the statutes de off. 23. E. 3. cap. 10. But in case
that false iudgement be geuen befoze & maier
then shalbe made one commission to certayne
persons as is saide. And in case & a writte of
false iudgement be retourned befoze & Justices
of the common bank, & the partie say that
the recorde is other then the court recorded
& auerement shal be recetued, and by those
which were present in the court when & re-
cord was made, if they come with the other
of the countrey by the retourne of & Shirife.
And if they come not by the enquest take by
the good countrey, *It patet in statuto inde.*
23. E. 3. Cap. 5.

¶ Additions.

¶ In a writ of *Deane* brought agatist two
brothers, & one hath issue & diech, & iudgement
is geuen agatist & other by his default, & the
issue & his vnckle doth bringe a writ of error
for that, that & seignorie is departed betwixt
males by vsage & assigned for. *¶* Erre by & death
of his brother at the tyme of iudgement, and
was awarded, & the iudgement be reuerfed,
for that, & the brother, in this case maye not
haue a writ of disceit for to reuerse that, that
was lost, but onely damages, and this is ec-
cour in deed. *¶* 16. E. 3.

¶ One assigned Ecour. that such a day the
Ecour. **¶** Exigent

Exigent was awarded returnable such a day
afore which day the king died, & hec was not
but two times demanded, in y^e time of king
Edward the fourth, and thre times in time
of king Richard the third, & that was holde
Error, for that the writ abated in deed, by y^e
death of king Edward, and that is error in
deede. And yet this vblawry is not void, but
Error. *W. 7. B. 7.*

¶ One assigned error, for as much as after
the issue joined, and afore the verdict he was at
tourney was deade, y^e was none error, for
that, that by his death the writ abated not,
nor the issue waived ne discontinued, for that
that he may appeare by another attourney,
or proper p^{er}so. And also he shal not say that
his attourney was deade at the tyme of hys
p^{er}ce for that, that it is against the recorde,
but hec shall say that another man of y^e same
name appeared, withowt that, that the attor-
ney was of lye. And know ye y^e he may not
assigne error but in proper p^{er}son. *W. 7. B. 7.*

¶ Error brought in the bank of the king of
a iudgement geuen in a writ of Dower, and
assigned for error, for that, that these tenants
in the writ of dower appeareth by attourney
where no warrant of attourney was ente-
red, & pray a writ to certifie, if any warrant
bee or not, & was awarded that he shall not
have advantage to assigne that for error.
And diuersitie taken betwixt error, whiche
is matter in deede, & error whiche is matter

of recorde. For if the partie one time sue one
 Scire facias, he shal neuer assign error in deed
 after, for if after a Scire facias awarded, one
 will assigne Error, for to auoide one btlaw
 ric, to say that he was in warre in Fraunce
 vnder such a captaine hee shal not haue such
 assignement for it is errout in deede, and not
 parcel of the recorde. And looke if one after
 the Scire facias may assigne error, for to re-
 uerse one btlawrye, to say that hee was not
 but fower times called, and pray a certifica-
 tion. Quere if he shal haue or not for to cer-
 tifie the Exigent &c. *22. E. 3.*

¶ In a Scire facias, out of a recognisance a-
 gainst vi. the shrikes returned that thre ar
 deade, and these other thre come by swarning
 and alledged the death of the other, and that
 their heirs are within age, & demande iudge-
 ment, if during their nonage, they shalbe put
 to answer, vpon which was awarded, that
 the plee shal tary. And now the plee was a
 writ of error, and assigned error for that
 by the recognisance al vi. were charged and
 euery one of the whole, for the whiche when
 these thre did come, execution against them
 ought to haue bene awarded. Another error
 was for that, that they alledged that 3 heirs
 of the other thre were within age &c. which
 plee lieth not in their mouthes, for that, that
 they are strangers &c. And for the firste er-
 rour was said, that the charge falleth equal-
 ly vpon all these tenants in comyon, and not
 vpon

Natural

Upon one, for notwithstanding & the lads of
the one were linered &c. He shalbe ayded by
on his suggestion &c. And to & second error
was laid, & a stranger may alledge & nonage
of another, & proces shal not be made against
him, in whō nonage is alledged, if it bee not
traverfed, and all was affirmed by iudge-
ment &c. *E. 2. C. 7. M. 9. H. 5.*

If a writ of Trespas be brought against
many, & some appeare and plede not giltye,
whiche are found giltye, & against these other
proces is lned. *M. 5. H. 5.*

Quere if these other that are founde giltye
shalbe receined to alledge Error in & pro-
ces made against the other which are severed
in proces.

The executors of one man broughte a
writ of error of outlawrie pronounced a-
gainst the testatour in his life, and for divers
errors the outlawrie was reversed at their
suite, and they rejoyced to the goodes of their
testatour. *H. 11 H. 4.*

A writ of *Dedimus potestatem*
de attorney faciendo.

Rex ballivis suis de hand de S. salutem,
quia per comune consilium regni nri An-
gie provisū est quod quilibet liber homo pos-
sit facere attorney suum ad loquelas pro-
sequendū & defendū motas in com̄ trithinges,
hand, wapentagus & alias cur̄ sine breve nro
vobis precipimus quod attorney voluit ad lo-
quelas

quelas suas prosequendam motas, coram vo-
bis in hundredo nostro predicto loco ipsi? A.
sine difficultate ad hoc recipiatis hac vice de
gratia speciali teste &c.

This writ of Dedimus potestatem de attornaco
faciendo, lieth where a man in pleading in
court of the kinge, and may not trausile nor
attende his plee, for sickenes, or other busynesse
which he hath to doe, then he may haue
the sayde writ directed to the Shirefe, or to
an Abbot, or to a Priour, or to a knight &c.
to recorde his attourney. And it shalbe com-
maunded in the saide writ, that he (to whom
the writ is directed) retourne the said writte
vnder his seale, and the name of his attourney
whiche is receiued, that he may be knowne
in the kinges court, as it appeareth by a cer-
taine Statute, De libertatibus parquirendis
in fine. And know ye, that in euery plee of
lande, and the parsonall: aswell the tenant as
the demaundant, maye make their attourney
as the defendaunt or the plaintife, and that
before Iustices, whiche haue power to re-
ceyue attourney without writte, if the plee
be before them in the Chauncery, or other wise
he & shal haue attourney, may sue to & kinges
court, & purchace this writ of Dedimus potesta-
tem, as before is said. And know ye, that eue-
ry free man, may make his attourney aswel to
make suit in courtie, hundred, or in court barre
as he may pursue or defend, & & wit & Statut of
Merton ca. 9. & also whē a fre mā hath noted
and

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and obtained his attourney in any maner (as
afoze is said) yet he may if he wil. the same at
turney remoue and make anew. And know
ye that no man may make atturhey in appele
as it appeareth by the statute of Gloucestre.
Cap. viij. An. 44.

¶ Addiction.

¶ Know ye that in appele of Robberye, the
defendant pleded not guilty, and was founde
guilty, and after verdict he said that he was a
clerke, and the plaintife saide that hee was
Bigamus. And for as much as the proces
shalbe made to the Bishop to certifie he was
not appeled vpon the principal. In this case
the plaintife was receiued to make attour-
ney. E. 3. li. ass.

¶ In appele the defendant was acquitted,
the abbetours were enquired of, and A. & B.
were founde abbettours, by whiche the de-
fendant prayed a distresse agaynst them, and
had it. And prayed also that hee mighte make
attourney agaynst the abbettours, and so
did. D. 8. E. 4.

¶ If the appel be acquitted by enquest, & the
Iustices haue enquired of the abbettours,
whiche are founde: & there is certayne matter
within the recorde that the Iustices wil bee
advised of the iudgemēt, the appele shalbe re-
ceiued to make an attourney. D. 21. E. 6.

¶ Know ye that a woman may bee attoura-
ney for her husband by bill. D. 19. E. 3.

¶ An infant may not bee attourney, ne make
attourney

attourney. D. i. B. 5.

I know ye, that three thinges belongeth to the makinge of an attourney, one is that the attourney wil agree to be attourney for the partie. And another, that þe partie wil haue him for his attourney. And the thirde that the Iustices wil recorde his name. And none of the may be wout the other. M. 7. B. 4.

I know ye, that it was said in a writ of error, brought of a false iudgement geuen in the countie &c. that in euery case where the partie is for to excuse him against the kinge of a contempt, he ought to be in proper person and not by attourney. M. 22. C. 4.

For it was said, that wher a prohibicio was awarded out of the common place to þe archdeacon of C. for that, that by the surmise of the partie, he shewed howe an action of that same thing was hanging in the common bāke and vpon that one attachement and a distress went forth &c. to answer to the contempt and the archdeacon was charged at the daye of the distress retourned, for to come in proper person, for excuse of him selfe in that hee did not successe. And may not bee by attourney.

One which cometh in vpon an Exigent before plee pleded, would haue made attourney & might not. Contrary law is when hee cometh in by supersedeas.

One attourney may plede misnaminge of hys maister, whiche standeth wyth hys war-

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Warrant. As if þe warrāty be J. S. populo suo &c. He may say that he is made knight.

Proteccio cum clausula

volumus:

Rex omnibus bailiuis & fidelibus suis ad quos presentes littere peruenerint salutem Sciatis quod suscepimus in proteccionem & defeccionem nostrā dilectū & fidelē J. A. qui in obsequiū nrm & predictū nostrū pfectus est ad ptes Scocie, omnes fras reddit⁹, & omnes possessiones suas. Et ideo vobis mandamus qd ipsū Johānē, fras, reddit⁹, manuteneatis, ptegatis & defendat oēs possessiones suas, nō inferentes eis vel inferri pmittentes iniuriā, molestiā, dāpnū aut gramē. Et si quis eis faciat sine dilatione faciatis emēdari In cuius rei testimoniū has litteras nras fieri fecimus patentes vlsq; ad festum sācti Michaele proximo futuē duraturū. volum⁹ etiam qd idē J. A. interim sit quiet⁹ de omnib⁹ plicis & querelis exceptis placitis de dote. vnde nihil habet &c. Quare impedit, & A. nō nouis disseisine vltime presentacionis, & attinetis, & ex certis loquelis, quas coram Iustic nostris itinerantib⁹ in itineribus suis sōmoniri cōtingerint presentat minime valitute, si cōtingat ipsam J. A. inter illud nō arepi vel postquā citra terminum illum in Anglia reddierit a partibus S. &c.

Proteccio cum clausula volumus, lyeth in case
 wher a man passeth ouer the sea in þe kings
 seruice

Ceruite vnder any Lord, he ought to haue the
 scale of his lorde (with whom he went) or a
 bil directed to the gardeine of the priuy scale
 for one such that will goe with him in the
 kinges seruice, and when he hath a priuy seal
 he may haue his proteccion graunted of the
 Chaunceler. And know ye that enerye man
 whiche hath the proteccion (Cum clausula volu-
 mus) shalbe acquitted of al maner of ples, ex-
 cept ples of dower. Unde nihil habet, Quas-
 re impedit, Nulla de none diss. vltime pres-
 tacionis, and excepte ples which are somo-
 ned before Iustices in Cier But the Pro-
 teccion shal not be allowed before any iudge,
 for taking of vittaile, or buying for the viage
 in the seruice, wherof the Proteccio maketh
 mencion. The other waies in ples of trespass,
 or contractes made or had, after the date of
 the same Proteccion, as well by statut 25. 1.
 R. 2. ca. 8. which begunneth Item assent &c.
 And know ye that in case that a mā purchase
 this proteccion, for to delay any plee in disceit
 of the partie, or in any other maner, & hee go
 not in the viage, after the maner of his ptec-
 tion, the partye demaundant or plaintife may
 haue one Cerciorare out of the Chauncery to
 the shirife (wher such person dwelleth) for to
 certifie the kinge in the Chauncery thereof.
 whither he be gone or not, and then if the shi-
 rise returne that he is not gone in the viage
 but dwelleth in such place attending to his p-
 per busines, the party persnaunt may haue a
 patent

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patent (which is called *Innotissimus*) to al people for to adnuil þe said proteccio, or other close writ directed to the Sher, shirifes, or baylives: commaunding them, that if the said proteccion be shewed befoze them, or any of the, in delay or disturbance of the demaundant or plaintife, they shal take the said proteccion, & that send into the Chauncery for to be there cancelled, & adnulled. And in the same maner shall the demaundant or plaintife haue to the Justices of the comon bank, or other Justices þe they shall surcesse to allowe such Proteccions. And y they shal send the Proteccio into the Chauncery as afoze is said. And whē any such proteccion is shewed befoze y Justices for to delay the party (as afoze is sayde) that by the statute de Proteccionib⁹ allocatis, is made in y tyme of king Edward sonne to king Henry, y 33. yere of his raigne, is ordeined certayne maner of proces, as appeareth in the said statute.

Addicion.

Know ye þe a Proteccion, Or prolectur⁹ shal not be allowed in any plee comenced afoze the date of y, if it be not in y viage wher the king goeth himsele or other viages roial or in messages of the king for busines of the Realme. An. 13. R. 2. ca. 16. And wher a proteccion shalbee allowed in viage roiall, hereafter appeareth.

In a Scire facias, to haue execution of a fine the tenat sheweth a Proteccio, Quia pfect⁹

in comittua, with the protectour of y^e realme
 & was allowed and if he go by commaunde-
 ment of y^e kinge in message &c. it shal bee al-
 lowed. *D. 2. B. 6.*

*C*In a precipe quod reddat, a protection was
 shewed for one, which went with the Earle
 of *H.* into Gascoigne, and was challeged for
 that, that it was not viage royal, and the com-
 mission of the Earle was shewed forthe,
 which will that the king made him his lieue-
 tenant, and gave him power to pardon felo-
 ny and treason, & to enquire of those whiche
 made resistance againste him, and to make
 coyne &c. And for that, that hee hath power
 to enquire by special graunt, y^e protectio was
 allowed. *D. 7. B. 6.*

*C*In betwixt the parties demurred in iudgement,
 and the opinion of the court with the plain-
 tife, and the defendaut prayed that y^e iudge-
 ment might be respited vnto such a day, and
 it was sayde by the court that if hee shewed
 a protection in the meane time that it shall
 not be allowed. *D. 8. E. 4.*

*C*A protection was said before (*quia pro-*
fectur⁹ est) in y^e company of *E. y^e kings* sone
 into Ireland, & it was purchased hanging y^e
 writ whereof it was allowed. For that, y^e it
 may not be sayd bypage royal, wout he bring
 y^e kings host into Ireland. *D. 11. B. 4.*

*C*But know ye, that after *C. Hoyle* that a
 Protection of bypage royal into Irelande,
 shall not bee allowed. For they are in the

D. 1.

iurisdiction

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jurisdiction of $\frac{1}{2}$ realme. Otherwaies of Scotland, therfore enquire what $\frac{1}{2}$ lawe is. But after Littleton a pteccio (Quia moratur sup salua custod) it shal be allowed. The same law shalbe Quia morat in p^{ri}u^o walle, but $\frac{1}{2}$ booke is not adjudged. H. 8. C. 4.

In a Formedon, a pteccio shal not bee allowed, for $\frac{1}{2}$ Gardeine of prisons, whiche hath suffered men that be condemned, to go at large. H. 7. H. 4. Capi. 4.

A pteccion shal not be allowed in a scit facias. vppon a trauers of office taken beefore the Escheour, or commissioners agaynst any patent. An. 33. H. 6. Capi. 17.

Knowe ye, that an infant, a woman couert may sewe a pteccion. H. 12. C. 3.

Knowe, that it is said that if .xx. of a cominaltye are by pteccion, & in the serupce of the king, the pteccion shal not be allowed for them al onely. For if .xx. of $\frac{1}{2}$ cominaltye be in seruice of $\frac{1}{2}$ king, notwithstanding that there be Maire & cominalty, yet the cominaltye abideth at home. H. 13. C. 3.

Knowe ye, that the defendant which swet to imparle) was demaunded to come with his answer, a pteccion was put befor: Di profecturus est, which was of elder date then was the imparlaunce, & $\frac{1}{2}$ notwithstanding it was allowed. Otherwaies shoulde bee if $\frac{1}{2}$ pteccion had ben: Quia moratur in obsequio. H. 36. C. 3.

Knowe ye that if there be moze in the pteccion

teccion, then in \bar{y} writ, \bar{y} proteccion shalbee
alowed, but if there be lesse in \bar{y} pteccio, the
in \bar{y} writ it is not allowed. \bar{M} . 8. \bar{E} . 3.

In apeale of \bar{W} anne a proteccion was she
wed for \bar{y} defendant, and notwithstanding \bar{y}
the pleyntife recouered nothunge but dama-
ges, in thys suite the proteccion was disa-
lowed. \bar{C} . 19. \bar{E} . 3.

CProteccio cum clausula nolumus.

REx omnib⁹ balliuis ac. vt su. salutē. \bar{S} ch-
atis, qd suscepimus in protect^o n^{ra}m dilce-
tum nobis in \bar{C} hristo priorē de \bar{P} . omnes
terras, res, redditus & omnes possessiones
suas. Et ideo vobis mandam⁹ qd ipsū prio-
rē terras res reddit⁹ & omnes possell. suas
manu teneatis protegat & defendat non in-
ferentes eis vel inferri pmittentes iniuriam
aut grauiatē & si qd eis forissactum fuerit,
id eis sine dilatione faciatis emendari. \bar{N} olu-
mus enim, qd de bladis, senis, carectis, carta-
gis, honis vaccis, vel procis, ouib⁹ aut alijs
animalibus victualibus ciue ceteris bonis
cattallis ip. us prioris contra voluntatē suā
ad opus nostrū aut aliorum per balliuos seu
ministros aut alterius cuiuscunque quicquā
capiat, teste &c.

This writ of Proteccion (Cum clausula no-
lumus) meth in case where a mā is in doubt
that the ministers of \bar{y} king, or of any other,
will take his corne, haye, horse, cart or such
like. And knowe yee that this proteccio may

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be graunted by eny mair of y^e Chauncery without prynt seale.

A writ of right De aduocatione ecclesie.

Rex A. salutem. Precipimus tibi qd plenū rectum teneas W. de L. de aduocatione ecclesie de P. quam clamat pertinere ad liberum tenementum suū. qd de te tenet in L. p liberum seruicium vnius denarij per annum pro omni seruicio, quam J. de W. ei defozt vt dicit. Et nisi feceris vicecomes &c. ne āplius &c. recti testis &c.

Another writ that lyeth in the common banke.

Rex vñ P. salut. pcipe A. qd iuste &c. red dat D. aduoc ecclesie de P. quā ei iniuste defozt vt dicit. Et nisi predict D. fet te. &c. tunc sum &c. pdict A. qd sit coram Justis nostris apud W. vt supra.

This writ of De aduocatione ecclesie, lyethe where a man hath right of aduowson and the parson of the church dieth, and a stranger dothe present his clerke to that church, and he which hath right. hath not moued his action of Quare impedit, nor Darreyn presentment. with in the vi. moneths, but doth suffer the stranger to vsurp vpon him, then he shal not haue any other writ then a writ of ryght of aduowson. And this writ he shal not haue (if hee claime not y^e aduowson to him and to his

his heirs in fee. And also he may haue a writ of right of aduowson of the halfe, & y^e thirde part, or the fowerth part, aswell of y^e whole (yf he be forced.) And knowe ye that a writ of right (*Quod reddat aduocationem decimarū*) is not graunted by the statute of westm. 2. cap. 5. which beginneth. *Cum aduocatione ecclesiasticā &c.* which wil y^e if the persō of any church by a writ of *Indicauit* bee distourbed to demaund his dismes, his patron shal haue a writ of right of aduowson to demaund the same dismes. But the writ of *Indicauit*, lyeth of no lesse parcel, then of the fowerth part of the church, therefore no more toth this writ, but yet after some men the writ lyeth of lesse parcel at the cōmon lawe. And the proces in this writ is, *Somons graund Cape, & petit Cape*, after apparance. And the proces against the *Jurie* is the cōmon proces, *Venire facias, habeas corpora, et distr.* And knowe yee, if a man hold of the king a maner by graund sergeantye, or by petit sergeantye, vnto the whiche maner one aduowson is belonging, and hee dothe sell or graunt, the aduowson is dismembraunce of the seignioyre, the kynge shal present to the fyrst aduowdāce after &c.

¶ Addition.

Knowe ye that a writ of right of aduowson, brought by the king, the defendānt shal not profer y^e half mark ne iudgemēt final, shal not be geuen against y^e king.

And knowe yee that a writ of right of aduowson

D. 19.

uowson

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nowson, & ternaūt doth ioyne & mise, & dayes
geuen to him vnto the feast of the Purifica-
tion of our blessed Lady, at which day he cō-
meth not: but cōmeth at the third day after.
Iudgement synal was geuen vpon the de-
fault. Da. 2. C. 3.

But if the ternaūt in a writ of ryghte of
aduowson do knowledge the right of the de-
maūdaūt, iudgement shalbe geuen, & he shal
recouer & aduowson. And iudgement synall
shal not be geuen, for that, & the mise was
not ioyned. M. 33. C. 3.

A release of & pleintife selfe, or of an other
auncester, by whom & discer is not made, is
a good barre, wout ioyning & mise. And iudg-
ment final shalbe geuen. M. 17. C. 3.

¶ A writ de assisa vltime presen- tationis.

R Ex hīc Mīdō salutē. si A. fecerit te securū
et tūc suū et c. duodez liberos & legales ho-
mines de viū de B. qđ sint corā Iustitē et c.
parat sacro recognoscere qđ aduocat tēpoze
pacis p̄sentauit vltimā personam q̄ mortuus
est ad ecclesiam de C. vel vltimū vicariū, qui
mortuus est ad vicariam de P. q̄ vacat (vt
dicit) & cuius aduocationem idem A. dicit ad
se pertinē et interim ecclesiam illam videāt,
& nomina eorum inbēti fac, suū B. qui aduo-
cationem illam ei defozē qđ tunc sit ibi aud-
endū illam recognitionem & habeas ibi suū &
hoc breue teste & c.

¶ hys

This writ of Assise vltime presentacionis, lyeth where I or mine auncelster hath presented our clerke to a churche and after oure clerke dyeth, so that the churche is void, and a stranger doth present his clerke to the same churche and dothe distourbe mee. Then I shal haue this writ, or a Quare impedit at my pleasure. But the assise is more better. For in assise I claime of my proper possessiō, or of the possession of mine auncelster. But in the Quare impedit as well the distourbour, as I claime the possession & right. And know ye, that where a man may haue assise of darrein presentmēt, he may haue a Quare impedit, but not the cōtrary. And the proces is such. Somons relomons against the partye, and against the Jurours Somons, Habeas corpora & dist. &c. And knowe yee, that in assise of darreyn presentment and Quare impedit, a man shal recouer damages if. vi. monethes be past before his recouery, hee shall recouer the value of the churche by two yeres. And if the reconery be before the. vi. monethes be past, then hee shall recouer damages, that is to saye, the halfe of the churche for one yere. And that will the statute of Westm. 2. Capitulo. 5. which beginneth, cum de aduocacionibus ecclesiarum, and in the said statute, are ordeyned thre writs originals of aduowsōs of churches, that is to say, a writ of ryght of aduowsōn, whiche shalbee determined by battaile, or grande Assise.

D. iij.

A writ

Natura

A writ of darrein presentment, & a Quare im-
pedir, whiche are of the possessiō. And if any
man whiche hath no right to the aduowson
do present his clerke in the time that the ad-
uowson was to any gardeine by reaso of any
infant, or in time of tenant in dower, or by
curtesie, for terme of life, for yeres, or in tail,
yet the statute will, that when the church
falleth voyde, and they in the reuercion after
the death of the said tenants, or gardeyn be-
distourbed, they shal haue their recouerye by
A writ of darrein presentment, If the sayde
aduowson be recovered against the foresaide
tenants and gardeyne, by iudgement or in-
quisicion, notwithstanding & the said tenants,
and gardein haue faintly defended their plee
but the iudgement shall stande in his force,
vntill such time & it be aduallied by & iudge-
ment in the kynges court by Errour, At-
taint, or by Certificatton, as the saide sta-
tute will &c.

Addicion.

Knowe yee, & in these cases, a man shall
haue a writ of darrein presentment though &
he, nor his aunccestours had not the last pre-
sentment. As if I present and after & church
falleth voyde, and the bishop doth present by
laps (ordinary) I shal haue this writ, and if
my gardein do present, I shal haue an A writ
of darrein presentment. Da. 20. E. 3. M. 6. E. 2.

Knowe yee, & if the present do resigne, yet
& writ shal say, qui mortuus est. E. 18. E. 3.

Know

Know ye & the pleintife made this tytle,
 & he himselfe was seised and presented &c. &
 the writ was. Et sum B. qui aduocationem
 illam ei desorreat. And the writ was chal-
 lenged, and not allowed for that & it is the
 forme of the Chauncery. H. 2. C. 3.

A writ of Quare impedit.

R Ex vii. Hidd. salutē. Recipe A. & B. qd
 iuste &c. permittant C. presentare idoneā
 personā ad ecclesiā de N. q̄ vacat. & ad suam
 spectat donationē vt dicit & vnde querit qd
 p̄dicti A. & B. eum iniuste impediunt & nisi
 fecerint &c. et tunc sum &c. p̄dicti A. & B. qd
 sint coram Iustitē &c. tali die ostens. quare
 non fecerint &c. Et habeas ibi sum, et hoc
 bene teste &c.

This writ of Quare impedit, lyeth where a
 mā hath purchased a maner to the which
 maner one aduowson is belonging, the persō
 dyethe, a straunger dothe present his clerke,
 then he shal haue the saide writ, & not assyso
 of darrein presentment. And the proces is in
 this writ as in assise of darrein presentment.
 As is contained in the statut of Marl. cap.
 12. Homons. Attachment, and on Distresse
 and if the vartie defendaunt come not at the
 distresse, then the pleintife shal haue a writ
 ting to the Bysshop of the place, that he may
 accept his clerk to the saide churche, sayng
 to the defendant another time his right (yf
 therof he shal complain.) And know ye, & in
 assise

Natura

Assise of barrain presentment, and in a writ of Quare impedit, daies shalbe geuen fro. xv. to. xv. And from iij. wekes vnto. iij. wekes, as the place is distant. And that will the statute aforesaide.

Addicion.

Knowe ye that if a quare impedit be brought against the bishop & a stranger, and the bishop disclaymeth saue onely as ordynary & the other sayeth that he is person in persone of collaciō of the bishop. In this case y writ shalbe awarded to y Metropolitane and to the bishop. H. 19. C. 3.

Knowe ye y a Quare impedit was brought against a prior as patron, & one A. as Incumbent, & hanginge the writ the patron dyed, yet the writ was mainteynable, against the Incumbent alone. H. 9. H. 6.

A writ of Ne admittas.

Rex ac. Venerabili in Christo patri eadē gracia L. episcopo salutē. Prohibem⁹ vobis ne admittas psonam ad ecclesiam de p. q vacat (vt dicitur) & de cuius aduocatione cōtencio mota est in curia nra inter A. et B donec discussum fuerit in eadem curia ad quē eorum pertineat eiusdem ecclesie aduocatio teste ec.

This writ of Ne admittas lyeth where one man impleadeth another by a Quare impedit, or by assise of barraine presentment in the kynges court. Then if the pleintife suppose that

that the biſhop will preſent the clerke of the defendannt hanginge the plea betwixt the of the ſayde church, hee maye haue the ſayde ſwyt directed to the byſhop prohibiting him that hee preſent no clerke to the ſayd church beſore that it bee diſcuſſed betwixt them, who hath right to the ſaid church to preſent. But if they bee in plea, & the preſentacyon nor diſcuſſed nor no recovery within the .vi. monethes, then the byſhop ſhall preſent by Aps, if the pleintife recover, hee ſhall recover damages. As is conteyned in y^e ſtatute of Weſtm. 2. cap. 5. And the proces is one prohibition, & vpoⁿ y^e prohibicioⁿ attachement, & a diſtreſſe. And knowe yee y^e if y^e defendat, in a Quare impedit come not at y^e diſtreſſe. Then y^e pleintife ſhal haue a ſwyt to the biſhope that he ſhall accept hys clerke co the ſayd church. Hauing another tyme the right of the defendannt &c. and this ſwyt ſhall bee Judicial, and is ſuche.

R^{ex} &c. venerabili vt ſup^{er} ſalutem, ſciatis
q^{uo}d cu^m B. in cur^{ia} n^{ost}ra &c. recuperauit preſentationem ſuam verſ^{us} C. ad eccleſiam de M. que vacat p^{er} defaultam ipſius C. Et ideo vobis mandam^{us}, quod non obſtante reclamati^o predicti C. ad preſentati^o predicti B. ad eccleſiam idoneam pſonam admittatis teſte &c.

¶ **W**rit de Quare non
admiſit.

Rex

Natura

Rex vult salutem. Si A. fecerit te securum
de clau & c. tunc sum & c. B. Lincolni episcopus
quod sit coram Iusticiis & c. ostenditur quare
cum idem A. in curia nostra coram prefatis Iusticiis
nostris recuperasset versus C. present suam
ad ecclesiam de J. per recogn. assise ultime
presentat, ibi inter eos captam, propter quod
mandamus eidem episcopo, quod non obstant
reclamatione predicti C. ad presentat ipsius A.
ad ecclesiam per idoneam personam admitteret,
sed episcopus W. clericus predicti A. per ipsum presentat
ad ecclesiam predictam admittere recusavit
in nostri ac mandatorum nostro contemp-
tu & confidet cum nostre precepte lesionem mani-
festam, & habens ibi sum, & hoc breue teste & c.

This writ lyeth where a man hath recou-
ered one aduowson of a church, & he dothe
send his able clerke to the byshop for to be
presented to the saide churche, and if byshop
will not receiue him, then he which hath re-
couered shall haue the sayde writ. And this
writ is a writ of contempt and all tymes is
iudicial and goeth out of the rolles of the Ius-
tices: but in time of vacacion when the court
sitteth not, then it shalbe made in the Chan-
cery. And the proces is attachement, & dys-
tres. And a Quare non admist pro rege, hath
been made and ensealed by some men wyth-
out making mencion of any recovery before
made. And yet is by the prerogatyue of the
kyng.

CAddicion

¶ Addition.

Know ye, that this writ shalbe brought in the countye where the refusal was made for that. & hee shall recover nothing but damages and not the presentment, otherwys the writ shal abate. But a Quare impedit shal be brought in the countye where the church is: for that, that hee shal recover the presentment, and that is the diversitie. And yf the byshop admit him & make letters to y archdeacon to inducte him, the bishop is excused though that y archdeacon refused to induct him. And he is put to sue against the archdeacon in the court Christian, for that is a thig spiritual. And it is a good pice for y bishop to say that he him admitted, and made letters to the archdeacon for to induct hym without sayinge that hee hym inducted. An. 38. H. 6.

¶ And if the writ, to admit his clerke, be directed to the Vicar general and he refuse, yet y Quare non admisit shalbe brought against the Bishop. H. 13. E. 3.

¶ The Bishop refused to receiue a clerke & died; by whiche one prayed a writ against the archbishop of Canterburpe garden of the spiritualities, and to him was denied. But a writ was graunted to him against y garden of y spiritualities, but not against y archbishop. for y, that the first writ was not directed to him. H. 15. E. 3.

¶ A writ

Natura

CA Writ of Quare incum-
brauit.

R Ex vobis A. salutem. Si A. fecerit te scire
et. tunc sum et. B. Lincoln episcopi, quod sit
coram iustis et. ostensur? quare cum idem A. in
curia nostra coram prefatis Iustis nostris re-
cuperasset presentationem suam ad ecclesiam de
J. passiam vel recognitionem ultime presen-
tationis intrin inter eos capte idem cum. epis-
copus pendere plito in prefata curia nostra coram
Iustis nostris super captionem ultime presentatio-
nis predictae, ecclesiam predictam incumbravit in
ipsius A. iudicium non modicum et gratiam et
contra legem et consuetudinem regni nostri. Et
habeas et. teste et.

This writ lyeth where there is twoe ple-
ding for the aduowlo of a church, & han-
ging the plee the Bishoppe present one of his
clerkes within the. vi. monethes to the saide
church, then he & hathe recovered shall haue
this writ against the bishop. And know yee
& this writ lieth not but hanging, the plee, for
if it be out of the plee, & I send my clerke to
the bishop for to be of him accepted. And he
him refuse, & present one of his owne clerks,
then I shal haue a Quare impedit, or darrein
presentment as my case lyethe, and not the
Quare incumbravit. And y process is, Homos,
attachement and distresse. And know yee
when a Quare impedit, or assise of darrein
presentment is brought against the Bishop
as aboute of aduowson of a church,

the Bishop maye present because of Lays
after the terme of .vi. monethes vnto y^e plee,
determined betwixt him & the pleantife.

Adiunction.
Know ye that after the sayinge of Stofi
that a Quare impedit lyethe not, but where a
Non admittas is directed to y^e bishop hanging
the writ. *M. 31. C. 3. M. 18. C. 3.*

And note y^e this writ shalbee brought al-
waies in y^e comon bank. for that, y^e it is a co-
mon plee. In a Quare incumbravit it is no plee
to say, y^e there is no sache recozd here. nor it
is no plee to say y^e the recozd is sued in the
kings bech & error assigned. *M. 17. C. 2.*

Know ye that a Quare incumbravit shalbee
awarded against the bishop where he incum-
breth within the time of .vi. moneths not as-
standing that no action was purchased bee-
fore. *T. 21. C. 3.*

A writ of prohibition.

Rex archiepiscopo Cantuar. et eius commiss.
salutem, prohibemus vobis ne teneatis pla-
cium in curia Christianitatis de catallis vel
debitis unde A. querit qd E. trahit eum in
plum in curia Christianitatis coram vobis ni-
si catalla debita sint de matrimonio vel de tes-
tamento quia plura de catallis & debitis que
non sunt de testamento vel de matrimonio spec-
tant ad coronam & dignitatem nostram etc. E-
odem modo fiat alia prohibicio pariter ne se qua-
tur, mutatis mutandis.

Rex

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Rex ac. venerabili i xpo ac. vel ei⁹ offic. ac
eorū commissariū salutē, phibem⁹ vt su. de
aduo⁹ eccles. de p. vel medietat vel tercie p-
tis, & vnde G. s. E. broz ei⁹ quer⁹ q^d T. epis-
cop⁹ de L. trahit eos in puta corā vobis in
curia christianitatis qā placita de aduo⁹ ecc-
clesiarū spectāt ad corōnā ac.

This writ lieth where a man is impleaded
in court Christiane of thingez, which tou-
cheth no maner of matrimonye, nor testamēt.
But such things, which toucheth & crowne
of our soueraigne Lord the king, as Dette,
Trespas, or of any such like which shalbe
pleaded in the kings court, the hee may haue
y^e said writ directed to the ordinaries, & offi-
cers, or commissioners of the saide court chris-
tian, them commaunding to cease their plee.
And also knowe ye that he may haue aswell
a prohibition to the sherife, & the party shall
not pursue, and to the officiales, or commissa-
ries. And the proces is in this writ, the pro-
hibition. And if the partie sue for the plee in
court Christian notwithstanding the prohibi-
tion. Then shal go out of the Chaucerye
one attachement. And this attachement is
restrynable (if he cease not, then shal go the
distresse.

Addition.

Note out of what court a man shal haue
a prohibition, and attachement vpon a pro-
hibition. In a writ of Trespasse brought in
the common place, the parties being at issue,
and

and hanginge that, the pletntise sueth in court
christian, the defendat shal haue a prohibicion
out of the same place. An. 13. B. 6.

CIn a Quare impedit brought by the king a-
gainst the parson of E. for that: that he him dis-
turbed to present to the vicarage of the same
churche, and befoze that w^{it} was retourned
the parson hath sued a sitacion against the pre-
sent of the king: & he prayed prohibicion: And
to him it was graunted by the Iustices of E
common place. E. 2. E. 4.

CIf a man make an othe to enfeoffe me of
his land: If I sue him in court Christian:
Prolesione fidei: he shal haue a prohibicio a-
gainst the pty & the iudges also. And if a mā
& his wife do sel lād (which is of E right of E
wife) & the wife is swozne E she shal not sue
no Cui in vita. And after the death of her hul-
bād, she brygeth her Cui in vita, & E other sueth
her in court Christian, Prolesione fidei, she
shal haue a prohibicion. E. 11. B. 4.

CKnow ye, that if a man bee sued in Court
Christian, of couenāt broken w^{out} especialty
oz executors ar sued, for a simple cōtract made
by their testatour. A prohibicion shal bee a-
warded, & yet the plaintife hath no remedy by
the common law. B. 22. E. 4.

CKnow ye, if the bailife in court baron hold
ples aboue xl.s. the defendat may haue a pro-
hibicion: if one swears bypon a booke, to paye
certaune money, at a certain day, and at E day
he paieth not the money, and the other sueth

E. j.

hmi

• Natura

him in court Christian. 120 lesione fidei, hee
shal haue a prohibition &c. 12. 16. 19. 6.

¶ Writ of Inducit.

Rex iudici tali, & eius offiē, vel eius cōmissario salutē, indicauit nobis B. cū B. teneat ecclesiā de C. de aduocatione sua W. clerici clāmās quartā partē eiusdē ecclesie de aduocē C. B. trahit eum in dū in plitū corā vobis in cū Christianitatis, qđ vero manifestū est qđ p̄dict B. iacturā sue aduocationis incurreret si p̄dict W. in plito illo cām illam optineret, vobis prohibemus ne plitū illud teneatis in cū Christianitatis donec discussū fuerit in cū nostra ad quē illozū pertineat eiusdē ecclesie, vel capell' aduocat', quia placita de aduocatione ecclesiarū spectāt ad corōnam & dignitatem nostram, teste &c.

This writ lyeth where a debate is betwixt to clerkes in court christian: of a Church or of part of a church, or for dismes, whiche amounteth at the leaste to the value of the fourth parte of a Church, or to a greater parte as the seconde part. or thirde part then for that, & the patron of the clerke defendant shall loose his aduowson (if the clerke of the plaintife recouer in court Christian) and the plaintife of the aduowson of the dismes which amounteth at the least to the fourth parte of the value of the church belongeth to & court of the king, and may not be gained ne loske in court Christian for that cause the patron of the

the clerke defendaunt shall haue in the Chaff
cerpe the sayd wyrtte of Indicauit, directed to
the clerke of the plaintife, or to the officers of
the court Chyrtian, commaunding them to
cease their plee and pursuite vntil that it bee
discussed in the kinges courte, to whom
the aduowson belongeth. And know ye that
the Statute of Westm 2. cap. 5. whiche bee=
ginneeth. Cum de aduocationibus ecclesiarum
ec. in the ende of the saide statute is recyted,
that if the patron of the clerke plaintife be in
such maner disturbed, he shall haue a wyrtte
of righte de Aduocatione decimarum. And
when the aduowson is discussed in the kings
court. then the plee shall proccede in the court
Chyrtian. And the proces is, as in a prohibi=
cion: for it is a prohibition in it selfe. And
know ye y a wyrt of Indicauit, shalbe betwyrt
fower persons, two shalbee patrons, and two
shalbee clerkes: whereof the one clerke clay=
meth to hold the church, or part of the church
of the aduowson of one patron, and the other
clerke of the aduowson, of the other patron, &
if the dismes of the aduowson be demaunded
in court Chyrtian, & the dismes be not to the
value of the fourth part of the church, then y
prohibition shal haue no place. And knowe y
this wyrtte is not returnable, but if they cease
not in their pursuit, he shal haue one attache=
ment, and after the attachement retourned,
the distresse shall goe out of the rolles of the
Iustices.

E. ij.

Chas

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Addicion.

Know ye that if an Abbot be parson, in parson of the Church of Dale, and he dema-
deth the fourth part of the dismes against one
A. Parson of the same church which is in, of
the presentment of a straunger. In this case
the parson of his patron shal haue the Indica-
uit. And yet they are but thre parsons in al.
And if a man hath iudgement to recouer dis-
mes amountinge to the valure of the fourth
part, and sentence diffinitive is geuen, & the
defendaunt appeleth to the bishops court by
the which the Bishop doth sende a delegacie
to certaine persons, and they make subdelega-
cy. In this case the party shal haue & Indica-
uit to the iudges subdelegacy. M. 12. C. 4.

Know ye that befoze the Libell be put in,
in court Christian, he shal not haue the Indi-
cauit, and it becometh to him that will haue
the Indicauit to shewe the Libell to the Cha-
celler. Da. 31. H. 6.

A writ of Conclusion.

Rex iudici tali salutem. Ex parte W. de H.
persone Ecclesie de S. nobis est ostensum
quod cum ipse nuper petierit coram vobis in
curia christianitatis versus J. de C. &c. de J.
executores testis B. defuncti, secundum melius
auerium, quod fuit eiusdem B. nuper paro-
chiani dicte ecclesie defuncti nomine mortuati,
dicte ecclesie debiti, ac prefati executi processu
piti predicti coram vobis inchoati fraudulen-
ter

per machinantes impedire afferētes quā placitum illud in curia christianitatis de catallis & debitis, que non sunt de testamento vel matrimonio quandam prohibitionem nostrā ue placitum vobis dirigi pro cuius, cuius prohibitionis preteritu in causa illa hucusque predicti distulistis, et ad huc deferitis in ipsū w. & ecclesie predictę graue preiudiciū, & in habundacionis periculum manifestum, & quia in articulis prefatis placet & clerici nostris p nos nup concessis plenius continet quod in decimis, oblationibus mortuat, quando sub istis nominibus proponuntur prohibitionem nre non est locus vobis significam, quod in causa predicta si vero de mortuat agat (ut predicti est) tunc non obstant prohibitionem nra ulterius facere poteritis, qd scdm formā ecclesiasticā fore videritis faciend, teste &c.

And this writ lieth in case where a man is implicated in courte Christian, of thynges which toucheth testament, or matrimonye, & the defendant doth purchase a prohibition in the Chauncerpe, directed to the ordinaries, commaunding them to cease of their plee, and pursuit by force of which prohibiciō, the plee is extinguished, then the plaintife shall come into the Chauncerie, shewing the coppe of their plee contained in his bpl to the Chancellor, and then he shall haue the saide write directed to the ordinari e before said, comaūdinge them to pursue forth in the plee notwithstanding the prohibition before to them

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directed. And know ye, that a consultaciō li-
eth euer for the plaintife, that first moueth &
plee in court Chyrtian.

A Writ of *Vi laica remouenda*.

Rex vñ salutē. Precipim⁹ tibi, qđ vñ latē-
cam, et annatā qđ B. tenet in p̄benda A. &
C. in ecclesia de C. ad pacē n̄ā pturbandam
sine dilacione amouens ab eadē, & si quis ibi
resistētes inueneris tūc assūpt tecū suffic̄ pos-
se cōm tui si necesse fuerit, & eos p̄ corpora sua
attach et in p̄sona nostra saluo custod. ita qđ
habeas coram nobis &c. vbicunque &c. ad res-
pōd nobis de cōtēptu, & recessima supradictis
Et hēas ibi hoc b̄re teste &c.

This writ lyeth where debate is betwixt
two persons for a church, and the one doth
enter into the churche with greate power of
lay men, and doth holde the other out with
force, then hee that is holden out shal haue a
writ directed to the shirif, that he remoue the
greate power of lay men (which is within
the church) and it shal bee commaunded to the
shirife, that if he finde any men making resis-
tance, that he shal take with him the power &
aide of his countie. And al they that did resist
shal be attached by their bodies, and put them
into prison, vntil they come before the king at
a certain day to aunswere of the contēpt, and
this writ is returnable, & shal not be graūted
before that the bishop of such a place, or such a
church hath certified in the Chauncerye by
his writ of such resistance. &c.

¶ This writ of Excommunicato capiēdo.

R Ex hīc salutē. Significauit nobis R. bene-
rabilis pater L. Ep̄s p litteras suas pa-
tentes, quod R. propter manifestam contuma-
ciam suam excommunicatus est, nec vult per
censuram ecclesiasticam iustificari, quia vera
potestas regia sacro sancte ecclesie in querelis
eius deesse non debet, tibi precipimus qđ pre-
dictum R. per corpus suum secūdu consuetu-
dinem Anglie Iustitē, donec sancte ecclesie tā
de contemptu, quam ei iniuria illata ab eo fu-
erit satisfactum, teste &c.

This writ lieth where a man is excommē-
ged by the bishop, & if he will not be iusti-
fied by the ordinarie. Then the Bishop shal
sende his letter patent to the Chauncelloz re-
hering the excommengement. And thē shal-
bee commaunded (to the Shirife of the same
Countie) to take the body of him that is cur-
sed, & by his body he shalbe chastised vntil he
submit him selfe to ſ order of the holy church
for the contempte and wzonge by him done.
And this writ is a Iusticies. And if ſ Shirife
will not make execution of the saide writ, thē
shall go out a Sicut alias and Pluries, and after
attachement, as in a Repleuin. And know ye
ſ if he ſ is excommenged hath made agreement
as wel for ſ wzonge as for ſ cōtēpt made to
holy church. Then the Bishop shal sende his
writ to the king, certifying by the same writ,
ſ he hath made agreement with holy church
for the contempt. Then shalbe commaunded

E. iij.

to

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to the shirife of the same countie by a writte
De excommunicato deliberando: that he shal
deliuer that same man) which is in such ma-
ner imprisoned &c.

Addicion.

Know ye, that a certificat made by these p-
sons of any excommengement (is to no va-
lure.) If the Bishop certifie excommenge-
ment by his letters, it is nothing to the pur-
pose. **31. 30. E. 3. 11. ass.**

The same law is, if the commissary of the
Bishop certifie excommengement, but if it be
certified by the archdeacon of Richmonde, or
by the Deane and Chapitour of Caunter-
burpe, in time of vacacion it shall be allow-
ed. **7. E. 4.**

But if the Deane of saint Martins, or
Abbot of saint Albons, or other like, whiche
are persones exempt of every ordinary iuris-
diction, certifie excommengement it is nothing
to the purpose, nor of no value. **Pa. 20. E. 3.
11. 12. E. 4.**

The same law is, if a Bishop certifie ex-
commengement made by another Bishop.
11. 33. E. 3.

And if the Bishop be dead befoze that the
letter of the certificacion be shewed, it is void
11. 6. E. 3.

The Bailifes and communalte of C.
brought a writ of rescusse &c. and shewed all
the matter, as appeareth in the case &c. And y
Defendaunt saide, that at the time of the writ
pur-

purchased, one J. & W. were bailifes, & said þ they were excomenged, & shewed the letter of the bishop testifying the same, & for that, that the writ is taken by the bailifes and comunaltie without naming any person by proper name, & the letter of the Bishop proueth not for what cause þ pleintif nor any of them are excommenged &c. the defendaunt was awarded to aunswere ouer &c. It cāc. 20. E. 3.

In Trespas the defendāt said þ the plaintife shal not be aunswere for þ, that he is excomenged. And shewed the letter of the Bishop of N. testifying the same whiche was read &c. Quere (if he haue a letter of absoluti on) if this writ shal abate or no, it is said that it shal not abate. But the iudgement shal bee þ the defendant shal go to god, & the plaintife shal not be amerced, but of btilawpe other wise is, as it is thought: for there the writte shal abate. 2. 7. R. 2.

Allise brought by a Gardeine of an Hospital, against the Archebishop of C. & W. P. & they alledged þ the plaintife is excomenged, & shewed a letter of the same Archbischoppe (whiche proueth þ he is excomenged) at þ instance of W. P. & for that, þ W. P. & þ archbishop are parties to the allise, they were charged to aunswere ouer. 20. 8. E. 3.

A writ of Excomunicato deliberādo.

Rex venerabili &c. Episcopo salutem. Quia
sum est nobis ex pte W. qd cum ad denunt
vestrum

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vestrum ipsum per viē nostram L. tāq̃ ex cō
municat⁹ clamos ecclie contēpnētes, p̃cipi-
mus Iustitē. Et eīd in sub cautione, idoneum
absolutionis beneficiū J. petierit vos ipsum
contē iusticiā ad hoc admittere recusatis. Et
ideo vobis mādāim⁹, qđ ipsū W. cū cautione
huiusmodi absoluat⁹ alioquin qđ n̄i est in
hac pte exequimur, teste &c. Aliē.

R Ex viē salutē, cū B. de H. quē ad donati-
onem Episcopi venerabilis &c. tanque ex-
communicatum per corpus suum, secundum
consuetudinem Anglie p te iustificari, p̃cipi-
mus, donec sancte ecclesie, tam de contemptu,
quam de iniuria ei illata adeo esse satisfact⁹, et
tam ab episcopo ipso absolutionis beneficium
in forma iuris meruerit optinere, sicut idē e-
piscopus p litteras suas patentes nobis signi-
ficauit. Tibi p̃cipim⁹, quod ipsum B. a pri-
sona, qua detinetur, si ea occasione & non alia
detineatur in eadem sine dilatione deliberari
facias, teste &c.

This writ is as a Justices, & if the Shirefe
make not execution of this writ, hee shall
haue Sicut alias, and Pluries. And know ye that
When a man hath continued in sentence by xl.
daies, and the Bishop hath sent his writ to
the kinges court, that he will not be reconci-
led by the order of holy church, the king shal
sende to the Shirefe that he be taken, & put in
prison, vntil such time, as he will be obedient
againē to & law of the holy church. But if he
excōmunge (after that he bee in prison) suffer
sufficient

sufficient paine, to be vnder y^e tution of holy church, if y^e bishop refuse such satisfaccion, hee shal haue this writte to bee deliuered out of prison.

¶ A writ of Juris brum.

R Ex bic⁹ N. salutē. Si A. psona eccl^e de B. vel sic, si B. prior eccl^e beate Marie de L. psona eccl^e de B. fecer^t te &c. tunc sum⁹ &c. xij. li. veros &c. d⁹ visū d⁹ C. quod sint corā Justitiē nostris ad p^{ri}m⁹ ass. &c. vel corā Justitiē n^{ost}ris apud W. tali die parati sacro recogn^{it} vtrum vnum messuag. cū p^{ri}st⁹ in C. sit libera elemosina p^{ri}st⁹ ad ecclesiā ipsius A. de B. vel ipsi⁹ p^{ri}oris d⁹ B. aut laicū feod⁹ J. vel sic vtrū sit liber⁹ elemosinā p^{ri}st⁹ ad eccl^e vel ad capellā aut &c. inter⁹ messuag. illud videāt & noia corū inb^{er}ari fac⁹, & sum⁹ p^{ri} bonos sum⁹ p^{ri}dict⁹ J. q^{ui} messu. illud tenet qd⁹ tūc sit ibi auditur⁹ illā recogn^{it}, & habeas ibi sum⁹, et hoc breue teste &c.

This writte lieth, when the righte of anye Church is aliened and holdē in lay fee, or translated in the possessiō of any other church and if the alienour dye, than his successour shal haue the sayde writte. And know ye that no man whiche hathe couent or couent seale may maintaine this writte. But a writ of entre: Sine assensu capituli, of the alienacyon made in time of hys predecessour, as appeareth clerely by a plee, in A. n. 15. C. 3. where the garden of y^e Hospital of S. p^{ri}ated in aide of y^e Bishop of S. & had no aide, because y^e the Hospital hath couent seale. And know ye, that
no

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no man may vse a writ of *utrum*, if he be not named person. But now by the statute of Edward 1. in. An. 14. cap. 16. whiche beginneth. *Itē est assēt & estable, q̄ vicars, gardeinz del chapel, prouostes de Chaunceries ppetuels, purrōt vser cest b̄re dutrū des fres ou tene- m̄ts &c.* And also J. de B. gardein of the hos- pital of S. brought a writ of *Utrum* & same pere. & was maintained though & the statute aforesaid maketh no mencion of Gardeins of hospitalz, but that was maintained, because it was in like case. And know ye, & the statute of West. 2. cap. 24. which beginneth. *In quib⁹ casibus concedit breue in Canē. in which sta- tut is contained this clause. Eod̄ mod̄ sicut concedet breue vtrū aliquod tencementū sit libera elemosina alicuius eccle, vel laicū se- cū tali decreta fiat breue &c.* And this writte was not graunted but there, where & almes of any church was translated into laye fee. Now it is ordained, in the foresaid statute of West. 2. that it shalbe graunted aswell there where it is translated into the possession of any other church, as there where it is trā- slated into lay fee. And the proces is suche in this writ, Somons, & resomons against the partie. And in assise of Mordauncestre, and against the Turrours, Somons, Habeas cor- pora, and, Distresse. And in this writte shall be geuen the same daies, as are geuen in assise of Darraine presentment, and Quare impe- dit, as it appeareth by the statute of Marle- bridge.

bridge cap. 22.

¶ Addicion.

¶ Know ye that a recovery in *Assise* against the plaintife selfe, is no barre: for that, *¶* thys is his writ of right, & the plee is not but the *Jury*, otherwise is, if he had said ouer, and *¶* state of *¶* plaintife ment. *H. 19. R. 2*

¶ If the tenat pled a recovery in a *Cessavit*, *¶* is no barre, for *¶*, that *¶* right is to be tried but he shal conclude & so lay see. *C. 7. H. 4.*

¶ Know ye, *¶* if a man recover in a writte of right against a person, in which plee he hath not prayed in aide of his patron, in this case his successor shal haue a *Juris utrum*, and the recovery in the writte of righte shall not barre hym. *Da. 8. C. 3.*

¶ In a *Juris veru*, brought by a pson of a chapel the writ was maintained for him for *¶*, *¶* he toke his title by presentment & institucio, as a pson of a churche. *H. 8. C. 3.*

¶ Writ of waste.

R Ex vlt salutē. Si A. fecerit &c. tunc sum &c. ostensuē, quare cū de cōi consilio regni nri Anglie proutsum sit, qd non liceat alicui vastum vendicionē seu distrucionem facere de terris, domibus, boscis, seu gardinis sibi dimissis ad terminū vite sue vel ānozum id B. de domibus, boscis, & gardinis, vel sic de domibus, boscis & gardinis in A. qd A. ei dimissis ad tminū annozū, fecit vastū A. cōtra formā pūtionis predictē, & habeas ibi &c. teste &c.

¶ Eodem

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Eodem modo fiat ad terminū vite, vel p legē
Angl, vel aliquo modo mutandum.

This writ lieth, where tenant for terme of
life, or tenant in dower, or tenāt by the cur
telie, or gardeine in chivalrie, or tenaunt for
terme of yeres, maketh waste, he in the reuer
sion shal haue this writ (where by the com
mon law they had but a prohibition of wast)
And this writte is geuen by the statute of
Westm 1. capit. 14. And in the same statute,
Proces is suche, Somons, attachement, &
distresse. And if the party come not at the
distresse, then shalbe commaunded to the shi
rife that he enquire of the wast, & if the wast
be found by y inquisition of the said enquest, it
shalbe retourned, and the party shal recouer
treble damages, & the enquest shal geue but
single damages, & the court shal treble them,
& also he shal loose the place wasted. And that
is geuen by the statut of Gloz cap. 5. whiche
thus beginneth. *Purueu est ensemēt q si hōe*
et. And also the same statut wil, that if anye
gardein make waste, he shal lose y warde, but
if the losinge of the warde amount not to as
much in value as the wast done, then thinke
at his full age shall haue the said writ of wast
& recouer his damages for the remnant. Also
in case that the tenant for terme of lyfe) or of
other persons liues, make waste and let ouer
his estate, than he in the reuer sion, shall haue
this writ of waste againste him to whom the
tenant for terme of lyfe, or of other persones
liues.

then, let his estate, and hee shal aunswere of
 waste made in his owne time, for hee taketh
 the land in such degree as it was in time that
 he lessee let his estate, but otherwise is in case
 of tenant in dower, or by the curtesie, let ouer
 their estates, and they to whom the tenements
 are letted, do make waste, he in the reuerſion
 shal haue a writte of waste against those te-
 nants in dower, or by the curtesie, and not a-
 gainst the lessee, for none may be called tenant
 in dower, or by the curtesie, but the same te-
 nants in dower or by the curtesie. And it is
 saide, that in case the tenant for terme of life
 make waste, and surrendre his estate to him in
 the reuerſion, and he doth accept it, & manure
 the lande after, hee shal neuer haue an action
 of waste, for he was not constrained by the
 law, to receiue or take the land, & same law is
 of other aforesaid tenants. And know ye, if
 land be letted to a woman sole, & she taketh
 a husband, & the husband maketh waste & dy-
 eth, the wife shal aunswere of the waste, and
 loose the lande, & paye damages (if the waste
 be found) for she it was her folp & she would
 take such a husband & would make waste. But
 otherwise is, wher lands ar lettē to a mā & his
 wife, for terme of their liues, & the husbände
 maketh waste and dieth, the wife shal not
 aunswere for the waste made after his death
 for this was the folpe of the lessour (whyp-
 che lettethe the lande to the husbände, and
 the wyfe,) The whypche wyfe shal not
 be

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not bee charged of waste made in time of her husband. And know ye, that if the tenant for term of life, be disseised, and the disseisor make waste, and the tenant for terme of lyfe do recover by assise, & such matter found by the enquest, in a writ of waste, hee in the reuersion shall recover of the tenant for terme of life damages, for the tenant for terme of life recovered damages against the disseisor, having regarde to the wast made. And if the gardein make wast, then shalbe done, as is contained in Magna carta cap, 5, Custos autē &c. But there where the king selleth or geueth the swarde of lands or tenementes of any infant within age, to any man of the same seigniozie and the gardein maketh waste, the king will that he shal loose the swarde, and shal be geue to two lawful men of the same seigniozy. Also by the newe statuts of E. 3. A. 14. ca. 12. al such landes which are in the hand of the king, because of a swarde shalbee letten to the next frindes of the infant, to whom the heritage may not discende (if they come hastily in to the Chancery) after the Diem clausit extremum returned, and there offer to take the saide landes, yelbing to the king the value vntil the age of the saide heire as another man wyll yelde, without fraude or disceite, and shall haue a commission to kepe the said lands and tenements, by good and sufficient surtye, to answer to the king, of the valure of y ward by the accoꝝd of the Chauncelloꝝ & Treasorꝝ and

& the heire shall haue an accion of waste a-
 gainst them, when he cometh at his full age.
 And also by the statut of E. 3. An. 36. Cap.
 if y^e Escheour haue any such ward, & dothe
 answer the king of y^e issues, & maketh wast
 the heire shal haue an accion of wast aswel
 within age as of full age, against the esche-
 tour & shal make fine at y^e kinges will. And
 the frendes of the infant, as longe as hee is
 with'n age, shall haue the suite, and thereof
 answer to the saide heire of that, y^e so shall
 be recovered, when he cometh to his ful age.
 And also in al cases where the heire within
 age may implede, his next frends shalbe re-
 ceived to pursue in his name, as appereth by
 y^e statut of Westm. 2. Cap. 15. And it is said,
 y^e though y^e heire be of ful age & in his lande,
 yet he shal haue (if he wil) a writ of wast a-
 gainst him (y^e was Gardeyn to him or against
 him, to whome the Gardeyn let the warde)
 and after recover dammages. And knowe ye
 that if y^e chiefe lord infeoffe any man of par-
 cel of the same, y^e is in his warde, the heire
 shal haue assise of Nouel disseisin maynete-
 nant against the Gardeyn & the tenant. And
 the Gardeyn shall lose y^e wardship of y^e same
 thing recovered, and of all the remnant that
 he holdeth in y^e name of the heire for all hys
 life. And y^e will the statute of Westm. 1. Ca.
 47. which beginneth thus. Si gardeine ou
 chief seignior &c. And know yee y^e a writ of
 wast shal not be mainteined against y^e tenat
 by

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by Elegit, noz againste the tenasit by statute
 marchant, oz by y statute of the staple. But
 if they make waste, he in the reuercion shall
 haue a writ of accompt, and the said tenasits
 are accomptable after the debt oz damages
 leuied. And know ye against tenasit in most
 gage, no writ of waste noz accompt is main-
 tenable because that he hath fee condicional.
 And know ye that by the statute of westm. 2
 cap. 22. whiche beginneth. *Cū duo vel plu-*
res, teneant boscum &c. that if woodes, tur-
 barie, oz fishing be holden in common, of
 twoe oz thre men, and y one of them make
 waste, the other shall haue a writ of waste
 fourmed in this maner. *Cum A. & B. tene-*
ant boscum vel turbariam pzoinduiso, & fe-
cit vastum &c. And if the waste be found, it
 shalbe in the election of the defendand to take
 his part by that assigned of the sherrif in the
 place wasted, oz that he graunt that he shal
 take nothing in such woodes oz turbarie &c.
 but as his parteners will take. And yf hee
 will choole, to take his parte in a place cer-
 taine the place wasted shalbee to him assygn-
 ed. And in case y he graūt in the court y he
 shal not take other wise then his cōpanyons
 wil, & after he maketh wast, his felows shal
 bring the said writ, & if he will take his elec-
 tion, as he did in the first writ, he shal not be
 receiued, for the statute geueth but one elec-
 tion, and that hath hee had, for the whiche
 these plaintifes shal recouer y place wasted.

And

And this writ lyethe aswel betwixt them þ
holdeth for their liues, as betwixt the that
holde iointlye in fee, & as wel betwixt the þ
are in the tenement, by diuers titles, as by
one title if they take the profits in common,
and no man knowing his fencral. As it ap=
peareth, Michael. 21. C. 3. fo. 1. When anye
ought to haue Estouers in anye woodes, &
þ woods be wasted and cut downe, then hee
shal not haue Wille of Nouel disseisin, and
that by the statute of West. 2. Cap. 25. which
beginneth. Quia nō est aliquod breue per qu
&c. And if he be disseised of such Estouers &
dyeth: his heire shal haue a Quod permittat de
estouariis. And also if the heire be disturbed to
haue estouers maintenāt after the deathe of
his father whereof he died seised, þ heir shal
haue a Quod permittat of Estouers in þ place
of assise of mortuificestre, þ writ is such.

R Ex bit salat. De. A. qd iuste &c. permittat
B. habere rationabil estouarium suum in
bosco vel in turbaria vel in huer ipsi? A. in
C. quod in eo vel in ea habere debet & solet,
vt dicit &c.

And also in case if the heire bee disturbed
as before is saide, the writ shal say, qd per=
mittat B. habere rationabile estouariū suū,
in bosco ipsi? talis in N. de quo C. pater pres=
dicti B. cuius heres ipse est, obiit seiscus in
dnico suo vt de feodo. And know ye þ execu=
tors may not maintein a writ of waste, but
it shalbe maintainable.

f. ij.

Addicion.

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Addicion.

It is said y^e a writ of waste lyeth at y^e common law against the whose estates are made by y^e law as against the garden of a warde, tenant in dower & tenaunt by the curtesie, & for that in suche writs it needeth not to rehearse the statute. *H. 12. H. 4.*

If a man do manase or threaten any byllaynes whiche are regardant to a maner in another county, then where the maner is so, y^e they are cloynd and gone awaye, the accion of wast shalbe brought in the county where the maner is, & there shall the wast be tryed, for the waste is all tymes in the maner, but of trespass, peradventure the lawe is otherwyle. *E. 9. H. 6.*

In a writ of wast of a house, it is a good plee to say, y^e after y^e lease, y^e lessour made y^e house agais^t y^e wil of y^e lessee, iudg^{mt} &c. And this is a good plec. *H. 49. E. 3.*

In waste the pleintife supposeth the wast to be in diuers things, that is to saye, in a graunge house, and cotage, and diuers plects were pleaded, as to the graunge and cotage. as appeareth in the case, and as to y^e house, he sayde, that it was fieble at the time of the lease &c. and the pleintife sayd that you your selfe, by this deede indented, whiche here is, graunted to repaire and keepe vp the saide house, in as good estate and better the they were, when he them receiued, so is he bound to repaire and keepe vp y^e house &c. iudg^{mt},
if hec

It hee shalbe receiued, to say y^e the house fell
for feeblenes, and it was iudged y^e this deede
indented, shal not charge him in this accyon
of waste. H. 48. C. 3.

¶ A writ of Estrepament.

Rex E. d. p. salutē. Cum in statuto apud
Glo^r dudū edic inter cetera continetur:
q^d a tempore quo placitum motum fuerit in
ciuitate London p^r h^{er}ene tenens non habet
potestat faciend^u vastum vel estrepamentum
de tñ, q^d ē in d^{ic}ta pēdente placito, & quod or=
dinatio & stat^u in alijs ciuitatibus & burgis &
alibi p^r totum regnum Anglie obseruētur ac
iam ex graui querela W. de C. accepimus, q^d
licet placitum pendeat corā balliuis nostris
de S. p^r paruum breue nostrum de recto, in=
ter A. perentem & S. tenentem de vna bona=
ta terē p^rati bosci cum pertinañ in C. tu ta=
men vastum & estrepamentum fecisti, & indi=
es facere non desistis pendente placito p^re=
dicto, in ipsius W^{il}l^l dispendiū non modicum
& grauamen, ac contra formam statuti & or=
dinationis predictorum, placito predicto pē=
dente in discussio, teste &c.

This writ is in maner a prohibition & ly=
eth where a mā is impleaded by a precipe
quod reddat, of certein landes or tenementes,
& the demaundant suppoeth that the tenaūt
will make waste in the lands or tenementes,
hanging the plee, then hee shall haue the said
writ as is contained in the statute of Glo^r.

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Cap. 13. which beginneth thus. *Turnen est enlement que del heure &c.* And if the plee be mooved in London, then the demaundant shal haue the saide writ directed to the Maior & shirifes, & they shal cause the tenementes to be kept, & that no waste be made in the. In the same maner shalbe if the plee be mooved afoze the iustices, the demaundant shal haue this writ directed to the sherif of y^e sae county, where these tenements are, to defend the tenat that he make no wast hanging the plee. And know ye that this writ lieth properly, when a man demaundeth any landes or teneints by a *formedon* or writ of right where he shall recouer no damages but in case y^e he bring a writ, wherein he shal recouer damages, then he shal recouer damages hauing regard to the wast. And also in case y^e he hath recovered by iudgement in the kings court, and y^e tenant after the iudgement given, and afoze y^e the demaundant bee put in possession by the sherif by force of a writte which is called *habere fac. seisinam*, he maketh distruction, then he shal haue attachement against y^e tenat, to be afoze the Iustices at a certain day, to shew for what cause he made waste, & there shalbe mencion made in y^e saide writ of y^e recovery had before. And this writ shal go out of the Rolles of the Iustices, if it be not in time of vacaciō when the Iustices are risen, & the it shalbe made in y^e Chancery. And the proces is suche, attachement and

and distresse, & for default of distresse proces
of vtlawp.

¶ Addicion.

¶ In Estrepament against an infant, hee
prayed his age, and was put out for y^e that
it is but in the nature of trespass. In y^e same
plee it is sayd, that proces of vtlawp lyethe
not in this accion. H. 3. H. 6.

¶ And yf a man recouer lande, the whiche
was sown, and afore execucion sued, the
tenaunt hath reaped the corne, and caried it
away in this case he that recouered, shal not
haue a writ of Estrepament, but an accyon
of trespass. H. 28. E. 3.

¶ A writ of De homine replegiando.

Rex hie p. salutem. Precipimus tibi qd
iuste & sine dilatione repl^t fac^t A. que B.
cepit, & captu tenet, vel sic que tuipse cepisti
& captu tenas vel que B. cepit, & tuipse cap^t
teneas vt dicit nisi cap^t sit p^r speciale preceptu
nostrum vel cap^t? Iustice nostri vel p^r mor
te hominis vel foresta nostra, vel pro aliquo
recto, quare secundum consuetudinem regni
nostri Anglie non sit replegiabilis. Ne am
plius inde clam^r aud^r pro defectu iusticie,
teste &c.

This writ lyeth, where a man is impriso
ned, which is repleuifable then he that is
in prysen shall haue the sayde wyrtte dyrec
ted to the shirife. that he repleu^y him which
is in prysen except he be in priso by especiall

f. nq.

comman^r

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commandement of the king) or of the chiefe Justice, or for the death of a man, or for the kynges forest, or for any other cause (where of hee shall not bee repleuisable.) And know ye & this writ is a Iusticies, & not returnable, but if the shirife make not repleuin by thys writ, then shall go out a Sicut alias, vel causam nobis significes: and yet if hee do it not, or if he maye not doe it, then shall goe out Cum pluribus vel causam nobis significes, which shall be returned. And if the shirife make not yet repleuin, then shall there goe out attachement against the sherif, directed to the coroners of the same countie that they shall cause & apprise to be attached, & over that, that they shall make execution of the first writ, and that by the statute of Westm. I. cap. 15. which begins thus. *Quia eo que les vii & anters &c.* the shirife, constables nor baillives of see, shall repleuin any man that is not repleuisable, and he that hath the keeping of prisons in fee, shall loose the bailliwke for ever & shall have the imprisonment of thre yeres. And he that holdeth these prisoners (which are repleuisable) after that they haue offered sufficient suerty, shall be grievously amerced against the king. And knowe ye, that if a man doe a trespass within the forest, for which he is taken, and put in prison and the gardeyne of the forest will not him repleuin, nor let him to maynpryse: a writ shall be sent to the shirif of the place to attache & said gardeine: to be before the kyng

the king at a certaine daye, for to chese wher
 fore he hath not made repleuin of the sayde
 man, and be it conteyned in the writ that the
 shirife cast the verdours, and the names of
 the maynpernours to make deliuerie to the
 saide verdours, and answer in Eyre before
 the Iustices. And that by the statute of
 Edward the thirde. An. 1. Cap. 9. whiche
 beginneth. Cum Hugh &c. And knowe yee
 that no man shalbe taken nor imprisoned for
 bert, or venison if it be not found by verdict
 or enditement: in which two cases he shall let
 to maynprie by the wardeyne of the office,
 or otherwise by writ, or the gardeine shalbe
 attached as is aforesaid. And the fourth how
 a man may bee indicted for trespass of bert
 or venison, is conteyned in the statute, which
 is called *Adictio de foresta* made in y^e tyme
 of king Edward, some of king Henry. An.
 34. And knowe yee, that for trespass in parks
 a writ of trespass is geuen to the partye, to
 reconer his damages, or els the kings shal
 haue the suite after the pere and the day. as
 is mencioned in the statute of Westm. 1. cap.
 20. whiche beginneth. *Quare est enscement*
q̄ malefactours in parks ou en viuers &c.

A writ of *Replegiare de aueris.*

R Ex vi^o salut. Precipim⁹ tibi qd iuste &c.
 replegiari fac⁹ A. de R. aueris sua, q̄ B. de
 W. cepit et iniuste detinet vt di^o. Et postea
 cum inde iuste deduct facies. *Ne amplius*
 inde

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inde clamorem audiamus pro defectu iusticie: teste &c.

Thys writte shal goe out of the Chauncerye, directed to the Shyrife, that hee make deliuerance of the beasts of the tenat which are in name of distresse. And if the Shyrife serue not the writt, then shal hee made as is aforesaid, De homine replegiando. And knowe ye that in taking of beasts. vi. things are necessarie. that is to say, very lord, very tenat, service behynde, the day of the taking, seisin of the services, and within hys fee. And know ye that a man is not very tenant vntill hee haue attourned to the lord by some services. And know ye that a man may haue a repleuin, as well by plaint, to the sheryfe or bailifes of the fraunchise, as by writt. And know ye that the statute of Westm. 2. Cap. 2. which beginneth. *Quia dominus leodozius &c. Will.* that if the tenant haue repleued his beastes by writt in the countie, the lord shall haue a pone out of the Chauncerye, directed to the sheryfes that hee remoue & plee, which is in the county or in other court, betwixt one suche lord, and one suche tenant into the kings court, and the pone shall saye: *Done loquelam que est in com tuo p bene nostrum, inter J. & R. de aueris ipsius J. captis & iniuste detentis &c.* And also the defendannt may remoue, but not without reasonable cause as it appeareth moze plainely by the Register. But if the plee be without writt

Writ in countie or in court Baron, the may
the plaintife remoue the plee into the com=
mon banke by the Recordare facias, And in the
same maner may the defendant with reaso=
nable cause. And knowe yee, that if the lord
that distrained, do distraine another time af=
ter that that the sherie hath made repleuin
by writ or without writte, as wel afore the
pone or the recordare as after, and for y same
thing, for which hee toke the distresse afore,
the plaintife may haue a writ directed to the
sherie for to attache the lord for to be before
the iustices of the common banke at a certein
day to answer, wherfore he tooke the se=
conde distresse for the same cause, if the dist=
resse be made after the pone, or after the recor=
dare, than the writte shall commaunde y sh=
rie, that he haue the bodie of the lord bee=
fore him and his coroners at his next coun=
tie, & if the lord be convicted of the seconde
distresse taken for the same cause, by y same
bailifes whiche made the repleuin, or by o=
ther good people of the same county, then he
shalbe amerced so greuously that his chas=
tysment. In casu consimili timorem alius
prebeat taliter delinquentib⁹ exemplū. And
thys writ is maynteyned by the statute of
Hark. Cap. 3. whiche beginneth. Ne quis
maior aut minor. And y pces is in this writ
of pone, somōs, Attachint, & distres. And for
default of distres, pces of vtilawry againste
y defēdāt. And y appeareth in a marvellous
case

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case that the lord shall haue the pone, for by the common lawe, the defendannt shall not haue the pone, and the lord in this case appeareth to be defendannt, when the tenaunt hath brought against him a repleuin, but it is not so here, for as muche as the lord distreyned his tenaunt, for the seruices & suites, which to hi were due. And therfore it shal be intended y he is demaundant, & not defendannt. And this clause shalbee put in the pone. *Quia talis distrinxit in feodo suo pro seruicijis sibi debitis &c.*

Addicion.

In repleuin it is a good plee for the defendannt to saye, that the propertie of the beastes, was in one suche and not in the plainntype. *D. 20. D. 6.*

If the lord distreine his tenaunt, notwithstandinge that the tenaunt haue agayne his beastes, hee shall haue a repleuin, for that that hee may not haue an accion of trespassse. And it is a good plee to saye, that the plainntype hathe nothings but in common. *D. 33. E. 3.*

And i a repleuin brought in by diuers persons, the defendannt may say, that the propertie is in one of these plaintifes & not to all. And if a man take a false writ of repleuin, by y which the defendannt hath returne, y plaintife shal haue a new repleuin, & so hee maye haue of as many false writs as he wil, for y that y statute doth remedy but one suit only.

onelye. D. 1. H. 6.

If a man in a repleuin, auowe the taking of the distresse &c. & the distresse in corne in the sheaves, that is no good auowry, for it is saide that a man may not distrein wheate in sheaves, ne other maner of corne except that they be in a cart, for a man may not distreine in shokes, for the losse that maye folowe in scattering of the same corne &c. And so it is of money, if it bee not in a bagge sealed for that, & one peny may not hee knowe by & other, & & appereth in Trespas. D. 21. E. 3.

Hee that is a straunger to auowrye shall charge the auowant, to auowe vppon him though he claime not by him. vpon whom & auowry is made, if he may lay seison by the pleintifes handes, for if the auowant accepte him for his tenaunt though & he come in by disseison or otherwise he shall auow vppon him. And it is said in the same plee if & bayliffe make cognisaunce and the lord ioine to him, the pleintife shall recouer damages against the lord. And if the lord auow for the same cause, the bailiffe is maintenanant out of the courte. Da. 18. E. 3.

If a rent be graunted to me, and another & my felowe releaseth to me. I shal make auowry for all the rent, & yet I am by seuerall titles, but it is conuientent & I shew the release in mine auowry. T. 33. E. 3.

Hee that hathe estate, of one compercener shal auow for a rent graunted vpon & partye

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partp wont deede, & shew the matter in his auowp whose estate he hath. **E. 3. C. 3.**

C If y mean be foriudged y lord shal auow bpon y tenant for the arrerages in y meane time afoze y foriudget &c. for he may not a- uowe bpon the meane in so much y the mea- naltz is extinct. **H. 7. C. 3.**

C writ of non admittas.

R Ex viſ salutem. Cum per breue nostrum tibi precepimus, qđ aueria **N. q. W.** cepit & iniuste detinet ut dĩ eidē **N.** rept feceris vel causam nobis significes, quare mandata nra tibi inde directa exequi non potuisti aut no- luisti ac bailiuis **C. de w.** quibus returnum breuis nostri tibi ind directi habere fecisti ni- hil inde facere curauerunt prout nobis sig- nificasti, precepim⁹ quod propter libertatem predictam nō omittas quin eam ingrediaris & auer predictē eidem **N.** sine dilac rept facias eodem tenore breuis nostri inde tibi directi teste &c.

This writ lieth wher any writ is directed to the shirife for to do the kinges cōman- dement. And the shirife doth returne y writ, and saileth that he hath sent to the bailifes of the fraunchise, whiche haue retourne of writs, wthin whiche fraunchise the writte shalbe serued, and the bayllife serueth the not y writte, then the partye pleyntife shal haue the said writ directed to the sherif, (Quod non omittat &c.) *Quin exequatur preceptum do- mini*

mini regis &c. And also a man maye haue a-
 uerment aswel against the bailife of the fran-
 chise, which hath whole retonrue of þe kinges
 writ, against the sherife aswel of smal issues
 so returned as in other cases, as it appereth
 by þe statute of E. 3. an 1. cap. 5. And as is co-
 teined in the statute of west. 2. cap. 39. in the
 mids whiche beginneth. Multociens etiam
 &c. that the sherife shal warne the bailif, that
 he be afore the Iustice at a certaine day, as
 is conteined in the kinges writ, & if he come
 at the day limited, and him acquite, that the
 sherife to him directed any precept, then the
 sherife shalbe condemned to the lord of the
 fraunchise, and yeide damages, to the party
 greued. And if the bailife come not at the
 daye assigned, or hym acquyte, then al the
 wyttes Iudicialles, whiche shall go out of
 the bank to the sherif, during the same plee:
 shalbe called Non omitas &c. And the she-
 rife shall make execucion of all the wyttes
 during the plee. And in this case the lorde
 shall loose the fraunchise, hanginge the plee.
 And knowe ye that if the plee of Withernam
 be in the county, and the sherife sende to the
 bailife of the fraunchise for to repleuin the
 beasts or goods, which are taken in þe name
 of distres, and the bailife will doe nothing,
 then the sheryfe of hys offyce maye enter
 in the fraunchyse withoute writ. As appea-
 reth in the statute of Harl. capif. 21. whiche
 beginneth: *Provisu est etiā, qđ si aueria &c.*
 And

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And also the statute of West. 1, Capitu. 17. which beginneth: Durum est enlement que nul ec. And therefore it is not holden in the one case ne in þ other ec.

¶ A writ of Withernam.

Rex viē salutem, cum pluries tibi preceptimus qđ iuste et sine dilatione rept' fac' A. aueria sua que B. cepit & iniuste detinet (vō dicit) vel causā nobis significares quare mā data nostra tibi inde directa exequi noluisse aut nō potuisti, ac tu nobis significaueris qđ postqđ predictus B. auet' predicti A. cepit in com' tuo & ea s comitatu illo fugauit de com' in com', ita qđ inuenire non potuerunt. Nos malicie predict' B. obuiare volentes in hac parte. Tibi precipimus qđ aueria predicti B. in balliua tua capias in withernam & ea detineas donec aueria predicti A. rept' possis iuxta tenorem mandatorū nrōrū inde tibi directorum teste &c.

This writ lyeth where the lord distreinet his tenannt, for certeine seruices, or suits, and the lorde doth chace the distres to a forrelet, or to a castell, or out of the same countye where the distresse was taken, into another county, or otherwise, so that the sherif may not haue the sight of the beasts, for to make repleuin, or in such like maner as appeareth by the Register. And if the tenannt bringe his writ of repleuin, Sicut alias et pluries, and the sherife retourne that hee may not haue þ sight of the distresse, for that, that þ distresse is chalged

is chased to a forzelet, or castel, or out of one countie into another, then the said tenant shall haue the saide writ &c. And know ye that by the statute of Westm 1. cap. 17. which beginneth: *Diruen est enlement, que nul desormes* &c. that if any enclose the beaste, whiche hee hath taken in name of distress, in a forzelet or castel, that the shirife may make as is contained in the same statute, at the suit of the plaintife that the shirife shall goe to the castel, or forzelet, & there warne the Lord, or hym that tooke the beastes to make deliuerance, & if he will not make deliuerance, then he shall abate the castel or forzelet for the trespass and despite done to the kinge. And know ye, that if the distress be taken within a fraunchise, & the bailife of the fraunchise will not redelyuer, then the shirife after complainte to hym made, may deliuer the distresse by his officer. As it appeareth in the statute of Marl cap. 21. which beginneth. *Quousum est etiam, quod aueria* &c. And the proces is in this writ as in the Done.

¶ Addition.

Know ye, that in a Replevin at the Pluris it was returned, *aueria elongata sunt*, & the defendant appeared, and notwithstandinge a Withermain was awarded, and for that, that it was awarded erroneously, the Iustices awarded a *Superfediis* for the defendant, to the shirife to surcease, and if hee haue taken the beastes of the defendant that he them restore,

G. J.

and

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And the shirife returned, that befoze the super-
sedias to him deliuered, he hath deliuered the
beasts of the defendant to the plaintife. And
that the plaintife the hath eloued. & he may
not them restore to the defendaunt. And the
defendant appeareth, & pleadeth to y original
that he tooke them not, & prateth a withernā
against the plaintife. And the court said, y if
y plaintife will not swage deliuerance, that he
shal haue it. **M. 7. F. 3.**

In a Repleuin after auowrie, the plaintif
is nonsuit, & the defendaunt sueth a writ de
Returno habendo, and the shirife returned, that
they were eloued. In this case he shal not
haue a withernam befoze y he hath sued a sci-
re facias against his pldges. So knowe ye,
how a withernam shalbe awarded against y
plaintife. **E. 7. R. 2.**

Note ye that the shirife may award a wi-
thernam in his countie where the repleuin is
sued by plainte. For otherwise it shalbee in
vaine to sue a repleuin befoze him, if he may
not make proces. **H. 6. E. 4. M. 12. H. 6.**

Know ye if the beasts of the defendant be
taken in withernam, the shirife ought not to
deliuer them to the plaintife, but oughte to
kepe them vntil the defendat wil deliuer the
other beasts first taken. For the writ *Wyll*
Quod capias & c. et detineas quousque & c. And y
is to be entended in the common bank, other-
wise is in the kinges bench. And so know the
diuersitie. **M. 2. H. 4.**

CC

The Shirife maye take xx. Oxen in
withernam, notwithstandinge y^e repleuin be
but of one Oxe. And if y^e repleuin be of pots
& pans, he may take in withernā. Oxen & o-
ther goods An. 13. H. 6. M. 31. C. 3.

CA writ de Libertate Probanda.

REx viē salutē. Monstrauit nobis A. q^d cū
ipse liber homo sit, et parat libertatē suam
probare. B. clamās cum natuum suū vexat
eū iniuste. Et ideo tibi precipim⁹, q^d si pre-
dict⁹ A. fecerit te secū de libertate sua pbā-
da, tunc ponas loquelam illam corā Iustici-
nīs ad primā assuam, cum in partes illas ve-
nerint quia huiusmodi probatio nō p̄inet ad
te capiend⁹, et interim eidē A. pacem in d⁹ habet
fac⁹ & diē prefat⁹ B. quod sit ibi loquelā suam
versus predictum A. inde prosecutus si volu-
erit. Et habeas ibi hoc breue &c.

CA writ de Natuo habendo.

REx viē salutē. Precipim⁹ tibi q^d iuste, et
sine dilatione habere fac⁹ A. natuū, cū oib⁹
eas suis, & tota sequela sua ubicunq⁹ intuent⁹
fuerit in ball' tua, nisi sit in dñico nō qui su-
git de tra sua, post coronationem dñi H. B.
p̄rog. nri. Et prohibemus tibi sup forissack,
ne quis eū iniuste detineat, teste &c. Aliter si
manserit in dominico per minus tempus, q^d
per unum annum & unum diem, tūc fiat pro
domino natui hoc breue.

REx viē salutem. Precipim⁹ tibi q^d nisi A.
que B. clamat natuum suū in com⁹ tuo
G. ij. per

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per breue nostrum māserit in dominico nostre
de P. per unum annum & unum diem sine ca
lumina non remaneat loquela p̄dicta in co
mit tuo eo quod manserit in dominico nostro
per minus tempus &c.

These wryttes lye for the Lord, whē hys
niese is s̄id from him, then the Lord shal
haue these directed to ȳ shirise, in what coun
ty soener the niese is abiding or dwelling, &
hee cause the Lord to haue his niese with all
his goods. And know ye that in suche wrys
mo nises may not be demaunded then two.
But mo nises, may bring the wryt of Liberte
rate probanda, and that is in fauour of libertie.
And if the niese purchase his wryt of Liberte
rate probanda, befoze that the Lord purchase his
Pone, he shalbe in peace vnto the next Assise
of Iustices in Eicr, but if the Lord purchase
his Pone, befoze the niese purchase hys
wryt of Liberte probanda, than the wrytte of
Liberte probanda, is nothinge worth for the
niese. And in this wryt, it behoueth, that the
Lord p̄oue, that he was seised of him, or of
his bloode. And if the lord can p̄oue no se
sure of any of hys bloode, he shall winne no
thing, if the niese haue not knowledged him
selte in courte of recozde, to be hys vylleyn.
And know ye, that if two coperceners bring
a wryt of Natiuo habendo, and the one is non
suit & the suite of both shal faile, and that is
in fauour of libertie. And know ye by ȳ sta
tute of E. 3. An. 25. De p̄uilegiis victualium.
cap.

cap. 8. that notwithstanding the adorningment
 in Etre, in fauour of niefes, for delaying their
 lordes of their action against such niefes, the
 lordes shalbe receiued, to alledge exceptions
 of villenage against their persons, in al writs
 where that the said writ of Libertate probanda
 is purchased by disceit, and the lordes maye
 seise the bodies of those viliens, as well as
 they may afoze such writtes of Libertate pro-
 banda were ordained, or purchased. And loke
 the Statute of Richard the 2. cap. 6. An. 1.
 which beginneth. Al greuous plaintes que
 touchent lestaf de villaines &c. And knowe
 ye, that if the villenie of any lord, haue dwel-
 led in auncient demesne of the kinge, by the
 space of a yere and a day, without sclaunder
 of the lord or claime, he may not haue him by
 no writ out of the saide auncient demesne.
 But it is said, if he be founde out of auncient
 demesne, the lord may seise him as hys vil-
 lein. And know ye that this writ is vicoun-
 tiel, & not returnable, but it may bee remoued
 by a Pone, out of the Countye, into the com-
 mon bank, as it is said. And know ye: in case
 that the lord be not able to distraine his vil-
 lains, to cause them make and do their serui-
 ces, he may haue a bil directed to the Shirke,
 for to be aiding to him there, where he is not
 sufficient &c.

CA writ de Moderata misericordia.

R Ex balliis A. & J. vel tali domini vel vice
 saltem. Monstravit nobis A. q. cum ipse
 G. iij. nup

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nup amerciendū esset in cur̃ tua de p̃. vel in
cur̃ p̃dicti dñi tui de J. pro modico delicto in
qđ incidit, ac tu vel vos ab eo gñe exigis vel
exigitis redēptionē cōtra tenorē Magne car
te de libertatib⁹ Angl. in qua cōtinet qđ null⁹
liber homo amerciet̃, nisi scđz quantitatē de
licti. et hoc saluo cōtinuo suo, & villanis saluo
waynagio suo. Et ideo tibi vel vobis precipi
mus quod a p̃fato A. moderatam capias vel
capiatis misericordiā, secūdo quantitatē de
licti illius, ne clamor ad nos inde perueneat
iteratus, teste &c.

This writ lieth in case where a man is a
merciend in Countie oz court baron, more
griuously than hee ought to be amerced, in
hauing no regarde to the quantitie of y trespas,
then he shall haue the said writte to the
Shirife, if it be in Countie, oz to the bailife, if
the plaint bee in court baron, that they shall
not amerce him ouer griuously, but after the
quantity of the trespas. And if they moderate
not the amerciament by this writ, than shal
there go out a Sicut alias, vel Tausam nobis
significes. And knowe ye: that the Register
in this case geueth no other proces after that
Sicut alias, but a Homōs. Et ideo quere. And
if they do nothing by this writ, then shall go
an attachmēt out of the Chauncery against
thē that they bee befoze the Iustices at a cer
tain daye, and after the attachement retour
ned, if they come not: then shall go out a dis
tres, & soz default of a distress, proces of on
law

lawye. And know ye þ̄ no mā ſhalbe amerced
by þ̄ law, but hauing regarde to the quantity
of his trespas. A merchant ſauinge his mer-
chandise, & a villain ſauing his g-inage, ha-
uing regard to þ̄ quantity of the trespas as a-
peareth in Magna carta ca. 14. Null⁹ liber
homo amercietur &c. & in West. 2. ca. 6. which
beginneth. Et nul citie, borrough, ne villeine,
nul hōe amercie ſās reasonable encheſō &c.

¶ Writ de Transgressionē.

R Ex viē ſalutē. Si A. fecerit &c tunc pone
B. &c. q̄ ſit &c. tali die oſten. quare vi & ar-
mis in iplum A. apud M. inſultum fecit & ip-
ſum verberauit, vulnerauit, & male tractauit.
Et alia enozmia ei intulit, ad graue dāpnū
iplius A. & cōf pacem noſtrā. Et habeas &c.
teſte &c. Aliter de querera. Oſtenſum quare
in querera iplius A. apud J. foderūt petras
ad valentiā xx. li. ſine licentia & voluntate ſua
ceperunt &c. Aliter de columbis. Oſtenſum
quare columbare iplius A. apud E. noctantē
fregit, & columbas ſuas in eodem columbare
exiſtentes malicioſe interfecit, per qđ idem A.
volatum eiꝛſdem columbaris totaliter ami-
ſit, & alia enozmia &c.

This writ lyeth where þ̄ Trespas is made
or done to any man or woman, and ſuppo-
ſed that the Trespas is done with force and
armies. Than he to whom the Trespas was
made, ſhal haue hys write, & in this writ hee
ſhal recouſe damage. And note ye, þ̄ þ̄ ſtatute
G. iiij. of

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of westm. 1. cap. 37. whiche beginneth. *¶* Pour
ceo que ascun gentz de la terre &c. a man shal
haue a writ of Attaint in plee of London, or
free holde, or of a thinge that toucheth free
holde. And now by the new statutes of E.
3. an. 1. cap. 6. Attaintes shalbee graunted, in
writs of Trespas aswel vpon the damages,
as vpon the principal. And the Chaunceller
hath power to graunt this writs withoute
speaking to the king. And that the Iustices
in no case of attaint shall let for to take at-
taints of the damages not payde, and by the
statute made an. 5. E. 3. ca. 7. in the ende, a mā
shall haue a writ of attaint in plee of Tres-
pas, moued before 4 Iustices without writ
if the damages adiudged pas xl.s. And after
by the statute of the same king, an. 28. cap. 8.
A writ of attaint shalbe graunted aswel vpon
a bil of Trespas, as by a writ of trespass
without hauing regarde to the quantite of
the damages. And after by the statute of the
same king, an. 34. cap. 7. A man may haue at-
taint, aswel of plee rial, as of plee personall.
And that the writ of attaint be graunted to
poore men, that wil sweare that they haue no
thing, wherof they may make fine: saupnge
their countenance they shal haue it without
fine, as al other shal haue it for the fine. And
know ye, that a writ of Trespas, ne attainte
shall not be maintained, if the damages passe
not xl.s. before Iustic. And no shirife shall
holde plee in coutry, if the damages passe xl.s.

And

And þ is ordained by the statute of Gloſ. ca. 8. which beginneth. *Surueu est enſement que hic &c.* And this writ ſhal not be remoued in the common banke with cauſe. But if the plea be in countie, without writ, it may be remoued afore the Juſtices, becauſe that þ plea toucheth freeholde, or in caſe that the defendour claime the plaintife to bee his villeine, and ſuch like caſes. And alſo this writte hath bene of recoꝝd by ſuch cauſe, & the ground where the trees grewe, was the freehold. (*Contra quem clamor eſt*) and the proces is in this writ, attachment & diſtreſs, and for default of diſtreſs, thre Capias, and a *Exigent* proclaimed in three countieſ.

Addicion.

In a *Treſpas* it was ſaide, if a leaſe bee made to a man for terme of yeres, and after þ terme is expired, and the leſſee holdeth him in, and the leſſour entereth not, for the occupation after the terme, this writte of *Treſpas* wil not lie. *C. 22. E. 4.*

It was ſaid in *Treſpas* &c. that for þ miſuſer of a thing, taken for damage feiſant, a man ſhal bee charged as a treſpaſſour, from the beginning, & ſo it is of a diſtreſs taken if it be meaſured &c. And in this caſe the defendour wil iuſtifie for damage feiſant, and the plaintife ſhewe how hec hath miſuſed that, and ſo of his owne wronge that is no good replication. But hec to ſhewe the miſuſer, and no more, for the lawe in hym ſelfe extendeth the

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the quere. *H. 22. C. 4.*

In Trespas a diuersitie was put, when a man is impleaded, for not doinge of a thing that he ought to do, & when he hath done a thing & he ought not to doe, for in the firste case he thinketh & he shal not be punished by an accion of trespass, Quare vi & armis. But an accion vpon the case lieth, but in the other case he shalbe punished, Quare vi & armis, quere tamen. *H. 12. H. 4.*

In Trespas, Quare filium & heredem abduxit &c. and for that, that he shewed not, & the mariage to him belongeth exception was taken, but for al that, as it is thought it is not allowable, for it may be, that the auncestors of the infant, & of the plaintife, by knightes service: and yet hee shall not haue the mariage, for he may hold of another by pziorty. *H. 12. H. 4.*

In Trespas against ij. they pleaded not guiltye, and founde guiltye, the one dieth after the enquest taken, yet the plaintife had iudgement to recover againste the other, whiche were on liue. *C. 2. H. 6.*

In a writ of Trespas, of beasts taken the defendant iustified, as bailife for seruices behinde &c. And the plaintife said, & he was not bailife &c. And whereof they were at issue, & plaintif shewed in euidence, how he toke the in claiminge them as heriotes for him selfe.

Chorp. Though that the lord after agree to his taking for seruices due to the lord, yet he

he may not be said his bailife. But if he take
the without comaundemēt for seruices due
to the lord, & the lord after gree to the taking
he shalbe iudged as bailife, though y^e it was
not his bailif in no place afore y^e taking, & so
the diuersitie. B. 1. B. 4.

In Trespas of two Chartours taken a-
way, the defendant pleaded not guilty, & was
found guilty, to the damages of xl. s. And was
pleaded in arrest of iudgement ther, that the
plaintife shewed not in his declaration, how
much lād was comprised within y^e charters
& not allowed. And diuersitie put betwixte
this accid; & a writ of Detinue of charters:
for in Detinue he demaundeth the charters
& ther he ought to shewe the certaintie of the
land, for if the Charters bee burned, he shal
reouer damages, after the value of the lād
comprised &c. But in this accion he deman-
deth not the Charters, but is to punishe the
defendant, for the taking away, and y^e plain-
tife hath iudgemēt to reouer. And note this
good diuersitie. C. 19. E. 3.

A writ of Dilceit.

Rex viſ ſalutē. Si A. fecerit & c. tūc poſt B.
&c. qđ ſit &c. ad rñdend tñ nobis quā pſat.
A. quā p quoddā breue nēm p finem C. ſolſi
doſ ad op⁹ nēm p breue pñct capiendoſ no-
mine pñdict A. hoc penitus ighorans frau-
dulenter & malitiōſe in cancellat⁹ noſtra impe-
trauit in Deceptionem curie noſtre, ad grauē
dampnū

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dampnam ipsius A. vi diē. Et habeas tibi nomina pleg. et hoc breue teste &c.

And when it is Judicial,
it is such.

Rex viē salutē, ex pte A. nobis est ostensum qd B. in cui &c. falso & in deceptione eiusd cui nre recuperavit seisinam suā versus eum de tribus mesuagijs cum ptiā in C. vi ius ip suus B. p defaltam ipsius A. cum idē A. nūquam suū fuit scdm legē terre essendi coram Iustic nris apud West. &c. ad respōd predict B. de placito predicto: nec predicta mesu. nūquam capta fuerāt in manum nostrā ob aliquam defaltam ipsius A. nec idē A. iterato suū fuit essendi &c. apud Westm, ad respondēdum predicto B. tā de predicto principali pti to quam de defalto predicto prout mos est in regno nro. Et ideo tibi precipim⁹, quod dist B. & B. primos suū, p quos B. viē nre com pōict mand Iustic nris apud W. quod suū p dictū A. essendi &c. apud W. &c. ad rādendum pdicto B. de pti to pdicto. Et etiam p L. vñū p cuius visum & quorundā C. S. H. & J. qui mand Iustic nostris apud Westm, qd pōicta tertia pars capta fuit in manum nostrā, & etiā W. vñū de scōis suū per quem viē mā damus Iustic nostris apud West. qd A. suū fuit essendi &c. apud Westm &c. ad respondēdum predicto B. tam de principali pti to, quā de predicta defalta, & omnes terras &c. oct Durē ad certificand predictis Iustic nostris simul cum predict A. C. S. H. & J. de suum

In capellone predictis & audientis iudicii summi
de plus de falcis, p̄ etiam tibi, quod dist̄ pre
dictum G. nuper viē com̄ predicti. & omnes
terras, res, redditus &c. quod sit &c. ad presas
tum terminū ad certificandū simul &c. & ad au
diendū iudicium suum &c. Et tu ipse tunc sis
ibidem in propria persona tua ad certificandū
presatis Iusticiis nostris simul &c. Et habeas
&c. teste &c.

This writ of Disceit, is some times Ori
ginal, and some times Judicial. But whā
it is original, then it lieth in case where any
disceit is made to a mā by another, by which
disceit, hee may bee disherited, or other wyle
euil entreated, as it appeareth by the Regis
ter, than he that is in suche maner disceined,
shall haue the said writ. And the proces is,
attachement & distress, until the parte appere.
And whan it is judicial, than it lieth out of
rolles of recorde. As in case where a Scire fa
cias is sent to the Shirefe, that he warne a man
to be before the Iustices at a certaine day,
and the Shirefe retourne the writte serued,
wher ſ said mā was not warned, by which
disceit the party ſ sueth ſ scire facias, recou
ereth, than the party which ought to haue ben
warned, shal haue ſ said writ against ſ partie
which hath recovered directed to the Shirefe
of the same County. And also it lyeth in case
wher a Precipe quod reddat, is brought against
a man by force of which writte he shalbe so
moned to be before the Iustices at a certain
day,

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Day, & the shirife hath returned, & he was soe
moned. wher he was not somoned, byō whi-
che false returne, & disceit of the shirife, & de-
maundant shal recover seisin of the land by &
default of the defendant, than he to whō the
disceit was made, shall haue the writ direc-
ted to the shirife of the same countie, that he
cause the partie to come. which hath recou-
red. And also the somoners, to aunswere of
the disceit, and falsenes, that they haue made
aswel to the king, as to the partie. And shall
be commaunded to the shirife: that hee take
the land into the kinges hand if the one, or &
other hath the land vntil the plee be discussed
betwixt them, & the shirife shall aunswere &
make accompt in this case, of al & issues, that
cometh of & lād in the mean time, to the ba-
rons of the cischequer. And know ye & if the
somoners die afoze & they bee examined, the
plaintife in this accion shall neuer recover &
land. But than he shal haue a writ of disceite
vpon his case against the shirife & recover a-
gainst him all in damages. And know ye: &
whan this writ is sued against the shirife, &
Coroner of the Countie shall make execu-
tion of the writ as the shirife shall doe, if the
writte were broughte againste a stranger.
And so shalbe done in all cases, where pro-
ces is made against the shirife in his Coun-
tie. And now by the newe statutes of E. 3. an
1. cap. vltimo, a writ of Disceite shalbe main-
teined, and shal holde place aswell in case of
garnish

garnishment, whiche toucheth plee of lande,
there where such garnishment is due, as in
case of somons in ple of lande &c.

Addicion.

Know ye, that if disceit bee made in the
kinges benche, Chauncerie, or in the Esche-
quer, this writ shal be brought in the places
where those disceites were made, and not
els where. But of disceit before Justices
of trel Basson, or of Oyer and Terminer,
after office determined, a writte of Disceite
shall bee brought in the common banke, and
it is conuenient for hym to haue the Re-
corde, if disceite bee made in anye other place.
And know ye, that a writte of Disceit lieth
against the attourney: if he be absent by dis-
ceit. *H. 22. C. 3.*

And know, that a writte shall not abate
for defaulte of forme, if hee haue good sub-
stance. And if attourney bee inforced by his
maister to pleade a false plee, the whiche he
may not pleade by conscience, hee may haue
suche entres. (*Quod non fuit veraciter in-
formatus.*) ideo nullum &c. for to aide hym
in a writte of Disceite. *H. 16. H. 6. C. 9.*
C. 4.

A writ of Disceite was graunted by ȝ ius-
tices in a writ of wast; wher at ȝ grād dis-
tres, ȝ plaintife had a writ to enquire of the
wast, & by ȝ inquisition the wast was found
by which the plaintife hath iudgement to re-
couer, wher ȝ defendāt was neuer somoned
attached

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attached nor disjoined, and the writ stayne-
teined. C. 19. E. 3.

A man recovered in a Preceipe quod reddat,
against iii. of certaine land, by default the one
died, these ii. shal haue a writ of discere if they
were not somoned, notwithstanding that the
action was geuen to the third in his life, for
that, & it falleth in inheritance, & it was said
that if the iudgement bee geuen against two
by default, wher of the one was tenant, & the
other hath nothing, he that was tenant shal
haue a writ of Discere, notwithstanding, that
the recorde proueth these two to be tenants.
And also it was said, that the king shal haue
the issues of the land, after the first iudgemēt
& not the party which recovered by discere.
And also it was said, that the heire shal haue
a writ of discere of iudgement tailed agaynst
his father of certaine lande, but he in the re-
uerlion shal not haue a writ of iudgemēt tai-
led against his tenāt for terme of life &c.

A writ of Rescuse.

R Ex viē salutē. Si A. &c. tunc pone &c. B.
quod sit &c. apud W. &c. ostendit, quare cū iōē
A. per B. seruientem suum quendam equum
iplius B. apud M. in feodo suo per cons. & ser-
uitē sibi debitū capti fecisset, & idem B. equū
illam ibidem scdm legem & consuetudē regni
nostri Anglie inparcare voluisset, & predict
A. equum illum vi et armis rescussit, et alia
enormia &c. ad graue &c. teste &c.

. This

This writ lyethe. where any lord distret-
neth his tenaunt in his proper fee, for
certeine rentes, or seruices, or customes be-
hynde, and the tenaunt come with force and
armes, and will not suffer the lord, nor his
seruaunt or him to take the distresse, but to
them make rescusse, then the lord shal haue
the said writ. And also if any badlife, or my-
nistre of the king, or of any other lord, to
whom special auctoritie is geuen to dys-
treine, & rescusse to them be made, they shall
haue the said writ. And in the same manner
may the sherife or other badif, whiche hath
power to take any mā by the kings commaun-
dement, if rescusse to the be made. And a mā
may haue the said writ in many other cases, as
appeareth by the register more plainly. And
the proces is in this writ. Attachment and
distresse, & for default of distres. iii. Capias &
one Exigent. as in a writ of Trespas for it
is supposed he made rescusse by force and
armes against the peace.

¶ Addicion.

Know ye that if the lord come to distreine
his tenaunt, and see the beastes: and the te-
naunt chase them from him, the lord shal not
haue a writ of rescusse, for that, that he hath
noe possession of them in deede but he may so-
low & take them whether soeuer they be cha-
sed. C. 14. H. 4. C. 44. E. 3.

If a man take beastes, damage fcsant, &
in djiuing the by the hye waye to enpounde
them,

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them: y beastes enter in y house of their possessor, & he y tooke the beastes prayd deliuerance, & the possessor wil not them deliuer, a wright of rescusse lyeth. An. 3. Itm. Nozt.

¶ A wright de Audiendo & terminando.

Rex dilect & fidelibus suis S. & w. salutem. Sciatis quod assignauim⁹ vos iustit⁹ nros ad inquirend⁹ per sac⁹m proborum et legalium hominum de comitatu S. per quos rei veritas melius sciri poterit, qui malefactores et pacis nostre perturbatores blada J. ad valent⁹ x.li. apud N. inuent⁹ vi & armis ceper⁹ & asport⁹. Et alia &c. ad graue &c. et contra pacem &c. ad transgressam illam audiendam & terminand⁹ secundum legem & consuetudinem regni nostri Anglie. Et ideo vobis mandamus quod ad cert⁹ diem & locum, quos ad hoc prouideritis premissa expleat in forma predicta facta inde secundum quod ad Iustit⁹ pertinet in hac parte saluis nobis a merciamen⁹ & alijs ad nos inde spectantibus mandamus em⁹ hi⁹ nostro com⁹ predict⁹, quod ad cert⁹ diem et locum quos &c. venire facias coram vobis tot & tales p⁹bos & legales homines de com⁹ predicto per quos rei veritas melius sciri poterit & inquire. In cuius rei testimonium has litteras nostras fieri fecimus patentes teste &c.

¶ Thys wright lieth in nature of a wright of trespass and lieth where any assray or trespass is made

is made to any man against the peace of our
 soueraigne lord the king, the which affray or
 trespass is hastely to be redressed or amended;
 or otherwise there shalbe great hurt of peace
 or dispaire of the life of the same man, then
 he which is in such maner affraied or trespass
 fed, or damaged, shal haue the said writ, but
 he shal come to the king and to his counsel &
 shew in a bill. And if he see that it bee to do,
 he shal graunt to the party the said writ dy-
 rected to the sherife of the same county, & he
 cause to come before & Justices assigned, to
 heare and determine thys affray, or trespass,
 tot & rat probos &c. these which shal try such
 affrayes and trespasses. And also the Justi-
 ces assigned to heare & determine these af-
 frayes or trespasses, shal haue a commys-
 sion open, in which shalbe cōteined what they
 haue to do, & what shalbe their power. And
 know ye & y writ which shal go to y sherif
 is such.

R Ex vñ Salutē. Assignauim⁹ dilectos &c.

R & W. tibi scire facias qd venire facias
 coram eis tot & tales &c. de comitatu tuo, per
 quos &c. omnes illi quod &c. et quorum idem
 R. et W. tibi scire facere, si predictus J. fecit
 & tunc pone &c. quod fuit &c. Et habeas &c.
 testis &c.

And note that these writs, shal not be gra-
 ted, but by the king and none hath power to
 heare & determine such affrays but y kings
 Justices, & sergantes which be sworn to
 the king,

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the kinge, and that is geuen in the statute
of westmynster. 3. Capitulo tricesimo nono,
whpche beegynnethe byene de transgressi-
one &c.

¶ Writ of Erroze corrigendo.

Rex Matoris & vii Lond salutē. Quia in
recordo & processu ac etiā in reddicione
iudicij loquel que fuit in curia nostra ciuita-
tis predicte coram vobis prefat vii sine bre-
ui nostro inter A. & B. de quadā transgē eis
A. per prefat B. illat diē erroz interuenit
manifestus sicut ex querela eiusdē B. acce-
pimus. Nos errozē si quis fuerit. modo debi-
to corrigi & partib⁹ predict plenam & celerē
iusticiam fieri volentes, in hac parte vobis
precipimus, quod recordum & processum lo-
quele predicte corā vobis in pleno hustingis
nostris ciuitat predicte venire eaq; in presen-
tia ptium predictarum per vos super hoc si
interesse voluerit premuniēd recitari, & dili-
genter examinari & errozē (si quis interuene-
rit) in hac parte debito modo corrigi, & parti-
bus predictis plenam & celerem iusticiā in-
fieri fac prout de iure & secundum consuetu-
dinem ciuitatis predict fuerit faciend &c. Vel
sic, vos prefatis vii predict execut et securi-
tatem coram vobis inueniend vel faciendum
ad respondendū eis de superseditatis &c.

T Hys writ lieth in case where false iudge-
ment is geuen in y common bank before
iustices assigned for to take assises, or before
y Maire

the Shaire and Sherifes of Londo, or in any
other towne fraunchised, the he against who
the iudgement is geuen shal haue this writ
directed to the iustices or other ministers be
foze whom the iudgement was geuen. And
if false iudgement be geuen in London, then
shall bee made as befoze sayde in the writ of
false iudgement, that they make & recorde &
processe of iudgemēt, to come befoze & Jus-
tices of the kings benche. And also that they
cause to warne the party, which recovered,
to be afoze & same iudges of the kings bēche
to pursue forth in his plee, as & kings courte
shal awarde. And knowe yee that when the
recorde and processe are come befoze & ius-
tices aforesayde, they shal cozrecte & amende
the iudgement of that right may be made to
the parties. And knowe ye: that a writ may
not be mainteyned, but if the iudgement bee
of recorde, for if the iudgement bee geuen in
court baron, county, or in hundzeth, whiche
is not of recorde, then the party shall haue a
writ of *Faux iudgement*, and not a writ of
Error. And if any bee impleded befoze ius-
tices, and the party take exceptiō befoze his
aduersary which exceptiō the Justices wil
not allow, then the party ought to do as is
ordeined by the statute of Westm. 2. Cap. 13.
which beginneth. *Cum quis implacitat* &c.
that is to say, that the party shall wryte his
exception, and praye one of the Justices to
put his seale to the bill, and when his bill is

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sealed he shal go to the Chauncery of our so-
ueraigne lord the kinge, and put vp the hyl
to the counsell. And then the king shal make
the whole recorde to come afore him. And if
the saide exception be not founde in the re-
corde, then shalbe communded to the sayde
iustice, that he be afore the king at a certain
day, at which daye, if hee come and may not
deny his seale, then shalbe commaunded to
him that he go forth to the iudgement, accor-
dyng to the saide exception. And know ye
that the Register geueth a writ of Error, of
faulse iudgement geuen before the shirife &
hys coroners in county, or in a writ of Post
disseisin, and shalbe redressed in the kynges
benche. And in the same maner maye bee in
a writ of Reddisseisin, and the cause maye
bee, for that, that these writtes of Reddisse-
isin. And Post disseisin, are of record, for they
shalbe inrolled in the Chauncery and y^e tras-
cript of them shalbe put in the Elchequer in
the ende of the yere. As it appeareth by the
statute of Westm. 2. cap. 8, in thende which
beginneth. Cum par placitum motum. And
know ye that a writ of false iudgement shal-
be retourned before y^e iustices of the comon
bank. But a writ of error shalbe retourn-
ed before the Iustices of y^e kings bench. And
know ye y^e if error be made in y^e elchequer,
it shalbe redressed by y^e Chanceler & treasorer
as it appereth by y^e statut of E. 3. an. 31. ca. 12.

Adicion.

Amc

Case brought againste the gardeyne of a chapell of the kinges graunt. And y^e pleynt was of lande and rent, and hanging y^e assise, the gardeyne resigned to the kyng, and hee gaue that to one J. S. and thassise passed for the pleintife, and J. S. was put out and brought a writ of Errour as successour, assigned for errour that his predecessour was not named gardeyne, and that the king was seised hanging y^e assise, and it was awarded; that the writ lyeth for him, and the iudgement reueried. The same lawe is of a Prebendarier, But he that purchaseth, hanging y^e writ against his feoffour, he shal not haue a writ of Errour for that, y^e he commeth to that by his owne deed, and not by course of the lawe. C. 15. E. 3.

If a Quare impedit or trespass be brought against many, & one confesse y^e accio, or plede so y^e he is attainted, he shal not haue a writ of Errour, vntil y^e matter be determined against these other, for y^e record may not be remoued befoze that al the matter be determined, and after y^e he y^e confesseth the accion may haue a writ of Errour. Da. 34. H. 6.

If a writ of debt bee brought against two by one ioint precipe, & y^e proces is by seuerall Precepts, y^e is Errour. Da. 7. H. 6.

If the tenant in especial taile hath the issue a daughter, and lose by erroneous proces & after hath issue a sonne by another woman, the daughter shal haue a writ of Errour, & not the

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the same, for that, that shee is heire to the
spectall taile, and the sonne is heire at the co
mon laswe. Da. 7. H. 6.

If erroneous iudgement bee geenen in the
kings benche, the same terme. it may bee re
dressed by writ of Errour in the same banke
and the rolle shall be amended: for that, that
at times the same terme the recorde is in the
Iustices, and the rolle is but their remem
braunce. Da. 7. H. 6.

If a recovery be taylor against the tenant
in taylor, for terme of life he in the reuercon
shal haue a writ of Errour, and reuerse that
by the comon laswe so that the statute is not
but in affirmance of the common lasw. The
statute is Anno. 9. Richardi secundi Cap. 3.
H. 21. H. 6.

And know ye that there is a diuersity be
tweixt a writ of Errour and a writ of Faux
iudgement: for that, that faux iudgement is
not of recorde. vnto suche time & it be harde.
And if the writ by whiche it is remoued bee
abated, it is come without warrant. Then
it shall continue before the iustours, for it is
a & noe writ. But otherwise is in a writ of
Errour, for that was a recorde before. And
a recorde may bee brought in the kings bench
by a iudge of the common place without a
writ, but these iustours maye not without
writ. Da. 7. H. 6.

And a writ of Errour liethe all tymes a
gainst him, that is party or priuy, notwithstanding
standing

standing that he be not tenaunt: for that, that the error ought to be tried by the recorde. But in false iudgement the writ shal bee all times against the tenaunt of the lande notwithstanding that hee bee a straunger to the iudgement: for that, that these errors shal be tried by auerment, and not by the recorde: for that, that it is not a recorde, which auerment none shall haue, but the tenaunt of the lande. *W. 18. C. 3.*

¶ A writ de Conspiracione.

R Ex vi^{sa} salutē. Si A. fecerit &c. tunc pone &c. A. C. ostens. quare in conspiracione inf eos apud R. p^{re}habita ipsum A. de quibusdā latrocinijis, & alijs transgressionib⁹ p ipsum contra pacē nostrā apud W. in com^{itatu} S. indicarent ipsum A. occasione predicta apud S. capt^{us} & in prisona nostra detent^{us} quousque in curia nostra coram dilectis & fidelibus R et W. Iustit^{is} nostris ad gaolam nostram apud S. deliberandum assign^{atus} inde secundum legē & consue^{tudinem} regni nostri Anglie acquietat^{us} fuisset false & maliciose procurauerunt ad graue dampnum ipsius A. et contra formā p^{ro}uisionis in huiusmodi casu p^{ro}uise. Et habeas &c. teste &c.

T W^{rit} ys wyrt lyethe in case where many mē are confedered together by othe, counar, or by other comunicacion that euerpe one shall helpe other, for to distrope, indict, kill, or cause to appell any man, then he (that is in such

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in such maner appealed oz indicted) by such
conspiratours & be acquite by the countrie,
he may haue the saide writt against the saide
conspiratours, as it appereth by the statute,
De conspiratoribus made in y^e time of kinge
Ed. sonne of kinge 1st. An. 34. And that the
Iustices assigned, to heare & determine plee
of trespas oz of felony hath power to equyre
of such conspiratours. And the pces is At-
tachment and distresse vntil they come. And
that a writt of conspiracy lyethe not against
these endictours. As it appeareth by y^e Statut
of Westm. 2. Cap. 12 which beginneth *Quia*
multi p malicia &c. Will that a man shal not
haue a writt of conspiracy of no appele which
shalbe determined befoze iustices, which are
of recorde, for it shalbee enquired of thabet-
tours befoze them selfe. And if any be found
abettour, he shal haue a writt iudicial against
these abettours the which is geuen in place
of a conspiracy. And also a man maye haue a
writt of Conspiracy where he is indicted &
in a citie, borough oz other towne of any act
oz deede made within the place where they
haue coroners bin their fraunchise, when
he shalbe acquitted afoze the Maior & the bai-
lifes of the towne, and that shalbe sufficient
to recorde y^e deliuerance, if he be another time
peached of y^e same felony in the kings court.
And y^e euery such indictment of the act made
within the towne, the Maior & the baylifes
maye deliuer him from the gaole. And also
where

felony is meynprysed within y^e same citey or borough, but if a felon be indicted out of the fraunchise, & after is taken within y^e fraunchise, y^e Mayor & the baillies maye not haue y^e consaunce wthout licence of the kyngs iustices which are assigned by writ to deliuer y^e gaole of y^e same countye, but to the selfe they may not &c. And y^e iustices assigned to heare & determine plee of trespass, & of felony hathe power to enquire of such conspiratours & y^e proces is vt supra.

¶ Addicion.

¶ If a man conspire to indite another and after the conspiratour is sworne in the quest to present for the king, & hee doth enfourme his felowes, that the saide J. S. hath made such a felony, & afore y^e the verdict be genen he is put out of the panel, a writ of conspiracy lperh against him, but if he had been discharged after verdict, he had been discharged of y^e conspiracy, for that, that the lawe intendeth that all that was made afore was lawfullye made, for that, y^e it is executed by his othe. **¶ 20. H. 6.**

¶ And **W.** by false conspiracy betwixt the made, procured certaine people to indict **C.** of the death of one **D.** by force of whiche hee was indicted & arraigned of y^e death of **D.** & hee knowledged & iustified, by force of which he w^{et} quite by iudgement, in this case **C.** shal not haue a writ of Conspiracy, for that y^e **D.** knowledged the felony and of that was acquitted

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quited by force of the lawe as of a thyng
which was not felonie by the lawe, & it was
not to A. & B. to knowledge whether it was
felony or no. An. 22. E. 3. Li. ass.

If one procure diuers people to endite
mee, and after he & procured hath a compli-
tion, and asoze him I am endicted: I shall
haue a writ of Conspiracye againt him, &
his commission shall not excuse him of the
wrong made before, and so it is if a man be
sworne for to enfourme thenquest this other
shall not excuse him. An. 27. E. 3. Li. ass.

Writ de compoto.

Rex viſ salutē. Recipe A. qđ iuste & ra-
dat B. rationabilis cōpotū suū de tēpori
quo fuit balliū suus in C. & receptor de-
nariozum ipsius B. bt diſ. Et nisi fecerit &
predictus B. fecerit te secut & tunc summas
& pdictū B. qđ ut & ostensurus quare non
fecerit & c. Et habeas & c. teste & c.

This writ of accompt lyeth in case wher
any baillife, chamberlaine, or receiuer,
whiche ought to yelde his accompt, will not
accompt yelde, then hee to whom the compt
ought to be geuen shal haue the saide writ.
And the proces is Homons and distresse, &
for default of distresse. 3. Captas, & an Ex-
igent which shalbe proclaimed in five coun-
ties. And know ye & by the statute of west.
Cap. 11. which beginneth, De seruientibus
balliuis, that the baillife rendze accompte, &
if he bee found in arrearages, these auditours
whiche

which are to him assigned hath power to commit him or deliver him to the next gaole, and there to abyde vnder good keeping vntill hee make gree, but if hee bee sued, and in the sute outlawed wherby he is taken and put in prison in the gaole, thā he is repleuisable. And let the shryffe, Bayliffe, or Gardeyn of the gaole, take good heede that he be not lette to mayneprise without writte especially to him directed vppon the said matter, or with out the kinges lycence, & if he do, hee shall paye to the lord his damages, and that will the statute aforesaide. and know yee that executours of executours shall haue an accyon of debt, of accompt of goods taken of the first testatour in the same maner as hee shoulde haue if he were in full life. And know yee & the same executours shall answer of so much as they haue recovered of the goods of the first testatour, as the first executours if they were one line. And that will the statute of Ed. 3. An. 15. De prouisoribus victualium. Cap. 5. And knowe ye & the statute of west. 2. Cap. 23. executours shall haue a writ of accompt, and the same accion & proces as the testator shoulde haue had if he were on liue. And also by the statute of Edwarde the third anno. 4. Cap. 8. executours shall haue an accion of Trespas made to their testatoure, of goods and cattals of the testatour taken away in the life of the testatour for to recouer damages againste the trespassour in the same

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same maner, as these to whom they are execu-
cutours shoulde haue if they were on lyue.
And also by the statute of Warl. Cap. 17.
which beginneth. *Provisum est etiam &c.* if
the gardeine in socage make waste, the heire
when he comnieth to his full age shall have
a writ of accompt againste the gardeine, in
this maner. *Si A. fecerit &c. tunc sum &c. B.*
quod sit &c. osten. quare cū de communis cō-
silio regni nostri Anglie provisum sit quod
custod terrarum tenementorū que tenent in
socagio hered terrarum tenement cū ad ple-
nā etatē perveniunt reddant rationabile cō-
potū suū de exitib⁹ terrarū & tenementorum
puentent de tempore quo custodiam illā ha-
buerunt ratione minoris etatis hered pōca-
torū idem B. p̄fat A. rationabile cōpotū suū
de exitib⁹ puentent de fr̄is & tenement ipsi⁹
A. in p̄. que tenentur in socagio, & quorum
custodiādem B. habuit dum p̄fat A. infra
etatem fuit reddere contradiē ut dicit &c. teste
&c. And know ye that if the plee be in coun-
ty by a writ of accompt, the partye plaintife
may remoue the plee into ſ cōmon bank by
ſ pone, as in a repleuin. And also it may bee
remoued at the suit of ſ defendaunt, but not
without good cause, and it is to knowe, ſ in
the Eschequer at the suite of the Citizens
of Londō, it was awarded that there where
a man impleader the another by writ of Ac-
compt, or by plaint after the vsage, and ex-
cutours be assigned by the court, the partye
shall

shal not haue a writ of Ex parte talis, but ther
where the lord assigneth auditors, the the
party shal haue a writ of Ex parte talis.

¶ Addition.

¶ The writ was brought against a wo-
man, and it was challenged for that, y there
is no such fourme in the Chancery, & not
standing it was awarded good. *M. 9. H. 6.*

¶ The writ was tēpoze, quo fuit balliu^s su-
us in C. & y writ was challenged for that y
there is C. & one without addition, & y writ
awarded good. *H. 44. C. 3.*

¶ The writ was tēpoze quo fuit balliu^s sui
predecessoris, & was challenged for that, y at
y comon law he had no accion & the statute
helps him not, but y defendant durst not de-
murre in lawe. *H. 31. C. 3.*

¶ In a writ of Accompt against a gar-
den in socage it was not shewed by y writ,
ne by the declaracion that hee is next frend,
for the whiche the writ was challenged and
not allowed. *M. 22. C. 3.*

¶ In accompt of x. li. by the handes of A.
B. y defendāt said y hee made a deede to the
plaintif, & to the same A. B. which testifieth
y receipt, indgement without shewing y deede,
this is a good plee in discharge of accompt,
& not in barre. *An. 1. H. 6.*

¶ In accompt of the receipt of C. li. the de-
fendant saide that accorde was takē betwixt
the plaintife & the defendant by their frends
that the defendaunt in full satisfaccion, shall
make

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make to the playntife an obligacion of y^e said
C. li. for al debtes detinues, & encrease mētys,
that the said pleintife may encrease by reaso
of the receipt &c. And that was holden a
good barre. Anno. 22. H. 7.

¶ It is a good plee for the defendand to say
that he hath accompted afore the pleyntife
selve at suche a place. H. 4. C. 3.

¶ In accompt against one as receiour, y^e
defendaunt sayd that the playntife deliuered
the money to him, and that hee shoulde go to
Lumbard for to make exchange and to re-
ceiue letters of exchange by force of which
he receiued the letters, and these deliuered to
the plaintife without that he was his recei-
uour in any other maner, this was holden a
good barre. H. 5. H. 5.

¶ These pleges folowing, be in dis-
charge of accompt.

¶ In accompt y^e defendaunt sayd, that after
y^e receipt at p. the money was robbed fro
him by certain felons, & y^e is a good plee in
discharge of accompt. H. 9. C. 4.

¶ In accompt the defendand shal say, y^e af-
ter y^e receipt y^e the pleintife graunted to him,
y^e hee may receiue the saide money in y^e name
of paymt of another sūme which he ought to
y^e defendand. H. 12. H. 4.

¶ In a writt of Accompt, it was suppoled
that the defendand hath receiued C. li. the
defendand said as to a C. li. you pour selve re-
ceiued the saide C. li. by a deede that here is
whiche

Which testifieth the same record, & that was holden no barre, but afoze auditours the plee shalbe allowed. D. 4. E. 3.

CIf auditours be assigned, and the parties bee at issue afoze them, the Auditours shall bringe the Recorde to the Iustices of y^e common place, and record al that, that was made afoze them. D. 12. H. 6.

CIf a man account afoze the plaintife selfe he may not award him to prison, for he maye not be his owne iudge, by which he shalbe awarded to accōpt of new. D. 22. E. 3.

CIf a man be found in arrerages vpon his accōpt, & the auditours suffer him to goe at large, at another time after they may not award him to prison. D. 17. H. 6.

CIf two executours bee, & the one receyue money due to the testatour his coexecutour shal not haue an accion of accompt againste him for that money. The same law is of two Merchantes whiche hath goods in common. E. 11. H. 4. D. 14. E. 3.

CBut if two haue a warde in common, & the one take al the profits, the other shall haue a writte of accompte, and recouer the halfe. D. 45. E. 3.

Cknow ye, that a writ of accompt lieth not against an infant, for hee hath no discrecion. D. 9. H. 6.

CA writ de Ex parte talis.

REx viē Thes. & baron suis de scaccario salutē: Ex parte w. capt & detenti in gaola nostra

A. j.

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nostra de p. p. art compoti sui, quib⁹ J. de
 C. ipsū auferit sibi teneat de tempore quo fuit
 balliu⁹ suus in G. nobis est ostens. quod cum
 auditores compoti predicti ipsū W. super eod
 compoto iniuste grauauer onerans ipsū de re
 ceptis, que non recepit expens. aut liberatio=
 nes rationabiles, & quia prefato W. iniurari
 nolum⁹, in hac parte vobis mandam⁹ quate=
 nus manu⁹ sufficē pfato W. capiat in forma
 p̄dicta, & ipsū a p̄sona p̄dicta deliberari fac
 prout iure & secundū formā statuti fuit faci=
 end. mand. tamē custodi p̄sonā p̄dictē, quod ad
 certū diē & locum quos ei scire fac. veniē faci
 at predictū W. cum rotul⁹ & tal. per quos cō=
 potum suum p̄dicto J. reddidit ad faciend in=
 de & recipiend in premissis, qđ de iure & se=
 cundū formā statuti p̄dicti iusticia sua debet.
 Et quod p̄d W. a gaola predicta, prout scire
 interim deliberari fac. teste &c.

¶ Writ of Det.

Rex vīc salutem. P̄cipe A. q. redd. B. x.
 libras quas ei debet & iniuste detinet vt diē
 Et nisi fecerit te secū de &c. tunc sum &c. p̄=
 dictū A. q. sit &c. ostē quare nō fecerit, & ha=
 beas ibi sum, & hoc breue teste &c.

This writ lyeth in case where any summe
 of money is due to a man by reason of any
 loane, or of any other contract to bee paid at
 a certaine day, or if any bee bounde to any o=
 ther to pay a certaine summe of money, at a
 certaine day, at which day he payeth not, nor
 will

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Will not pay, than he to whom the det is due
 shal haue the said writ. And the proces in this
 writ is Homons, Attachemēt, & distres, and
 for default of distres iij. Capias & an Exigēt
 proclaimed in fine counties. And know ye, &
 if a writ of det, trespass oz accōpt be brought
 against an Archbishop, Earle oz Baron, &
 are lordes of the Parliamēt, no proces of vt-
 lawy lieth against thē, but all times distres.
 And the cause is for &, that it is supposed &
 they haue sufficient, wherof they may be dis-
 trained. And know ye, that a writ of Dette
 may be pleaded in cōtry, if the det amōnt not
 to xl.s. As it appeareth by & statut of Gloz.
 cap. 8. which beginneth. Duruen est ensement
 q̄ vie pleb̄ &c. And if & det be of xl.s. oz more
 than it shalbe pleaded in the common banke
 afoze the Iustices by writ. And know ye, &
 if a contract oz cōsemaunt be made to execu-
 tours of a det by reason of goods sold, which
 were to the testator to pay at a certaine day,
 which day is past, & he bringeth a writ of det
 the writ shal say, Quos ei inuise detinet vt
 dicit, & not debet, and the cause is for that, that
 the debet: supposeth propriety to the execu-
 tours, & the executors may not haue proper-
 ty of thinges whiche were.

¶ Addition.

Know ye, that sometimes a man shall bee
 charged of a cōtract made by his wife, bailif,
 seruāt, oz other such p̄sōs, as if my bailif buy

A.ij.

thepe

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sheepe, or other such thing to my vse. I shal
aũswer for that det, & y^e plaintiff shal not shew
in his declaracion y^e the bailife hath warrant
to buy for me, but for y^e, that they come to my
vse, I shalbe charged. C. 3. B. 2.

¶ But after Newton, if my seruant or wife
buy certaine thinges, though they come to
my vse afterward, I shal not bee charged,
but if he buy to my vse, & ioine the buying to
my vse at the time of the contract made, than
I shalbe charged if it come to my vse. Que-
re of this diuersitie. B. 20. B. 6.

¶ But if a wife buy in open market, y^e hus-
band shal not bee charged for that, if it come
not to the vse of the husband, for it may bee y^e
it shalbe charge to the husband, & the husband
shal not bee charged of a contracte made by
the wife in such maner, but if I commaunde
my wife to buy thinges necessary &c. I shal
be bound by that commaundement, but if my
wife buy thinges to kepe my houlsholde, as
breaðe, & I haue no knowledge of y^e, though
it be spent in my house, I shal not bee char-
ged for them. By Fincux chiefe Justice.
C. 14. B. 7.

¶ In Det, the plaintife declareth bypon a
contract, that is to saye, if the plaintife take
the daughter of the defendant to his wife, y^e
the defendant shal geue to him xx. li. and the
plaintif said that he toke to wife y^e daughter
of the defendaunt &c. Fynch. he demaundeth
his det because of a contract which toucheth
matr-

matrimony, iudgement if the court wil hold
plee, & not allowe &c. D. 14. E. 3.

¶ Det against two by one Precipe vpon an ob-
ligacion, by whiche these two were bounde
ioyntly, and euery one seuerally in the whole
and the one come by the Capias, and y other
made default, & the plaintife declared against
him that came. And Finch. Justice said, that
the plaintife vpon this obligaciō, might haue
demaunded this det against them iointlye or
seuerally at his election, & by the maner y he
hath nowe taken his writ, the one shall not
answere wout y other, for which cause hee
that cometh shall haue Idem dies by main-
prise. D. 48. E. 3.

¶ In a writ of Det, the plaintife declared y
the defendant bought of him certain beastes
& other thinges to the value &c. And the de-
fendant said, that the plaintife had nought in
the thinges sold, but as executor to one J. y
which J. made the plaintif and one W. as ex-
ecutors, the which W. is not named in thys
writ, iudgement of the writ, & for y, that the
plaintife hath declared of a cōtracte made be-
twixt thē, so y y defēdāt is become dettor, to y
plaitif y writ was awarded good. D. 38. E. 3.

¶ Know ye, that it is said in a writ of wast,
&c. that if a woman being bound in an obliga-
cion take a husband, the husband shalbe char-
ged of the det during the life of his wife, and
after her death he shalbe discharged, excepte
the iudgement be geuen against him in y life

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of his wife. *23. 49. E. 4.*

Note ye, that it is said, if a man be bounde to a woman sole, and the wife take a husband & the day comprised in the obligacion passeth during y^e marriage, if y^e husband die without releasing, or acquitting the obligor, y^e wife shal have an accion of Det vpo y^e obligacion after the death of the husband. Quere if the executors obtain the obligacion, if they shal have the said obligacion. *C. 12. B. 2.*

A writ de Cattallis reddendis.

Rex vobis salutem. Nos per A. ac. q. reddi B. catalla ad valentiam x. li. q. ei iniuste detinuit ut dicitur & nisi fecerit, & predictus B. fecerit te secus de clam suo p^{ro}el. tunc sum &c.

This writ lieth, wher any goodes are delivered to any man to kepe vnto a certayne day, at which day he commeth and demaundeth his goodes, and the other with holdeth them, than he shal have this writte. And the proces is as in a writ of accompt. And y^e is geueen by the new statutes of *E. 3. An. 25. de Prouisor victualium cap. 17.* that is to say Somons, attachement, & disres, proces of y^ellawrite, and these proces is geueen in Detinue of goodes, as in a writ of Acco^{pt}, ut patet supra. And it is to know that in a writ of Detinue ther shalbe said, que ei debet. As in a writ of Dette, if executors aske of executors goodes or debts, y^e writ shalbe al tunc Que iniuste detinet. And afore the Justices of y^e bank

bāk, Quos ei debet & iniuste detinet, except it bee
 of goods, than y writ shalbe. Que iniuste ei de-
 tinet tantum. And if y det, be demaunded afoze
 the Iustices in Eter, the writ shalbe. Quos
 ei debet tantū. And if it be of goods. Que in
 iuste detinet tantū. And if the plec bee of det
 oz detinue amoūting to y sūme of xl. s. oz a-
 boue, & is pleaded in couēty oz court baron &
 out writ, y party shal not haue a writ of false
 indgement, ne a writ of Executione iudicii, ex-
 cept to the courts of cities oz in other places
 y hath iurisdiccio by custome. And also if the
 plec of det be moued in countie, y amoūteth
 to y sūme of xl. s. oz moze, y pty defēdāt may
 haue a Superfedias directed to y shirife, y
 he cease in y plec. And note ye: y a man maye
 haue a writ of Pone, Recordare, in these wrytes
 as in a writ of accōpt. And also a man maye
 haue a Superfedias directed to y bailifes of any
 court, if they hold plec of det, oz of goodes, y
 amoūteth to xl. s. oz aboue And also in ma-
 ny other cases touching Det oz goods, as it
 appeareth by the Register. And note ye, that
 certain Procees is geuen against executors, &
 delates put out in suche plects by the Statute
 of E. 3. A. 9. cap. 3. If a man die intestate,
 and the ordinarie make deputy the most next
 frende of the dead for to minister his goods,
 these deputyes shal haue an accion to be-
 maunde dettes due to the deade persone, as
 executours shal, & aunswere in y kings court
 to other, to whō y said dead persō was bound

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In obligation, in like maner as executor, shal
answere & are accomptable to thozdinarie
as executors are. And 31. E. 3. ca. 11. And al
so by Westm 2. ca. 16. which beginneth, Cum
post mortem &c. the ozdinarie shal answer
of the det. in which the dead was bounden as
farre as the goods suffiseth. in like maner as
executors shoulde if the deade had made his
executors. And in case that y ozdinarie make
his executors and die afoze that these dettes
which the dead ought be paid, than these to
whom the said det was due. shal haue a writ
of Detinue against the executors of y ordi-
narie. An. 11. E. 3. & in an. 15. E. 3. one Ro-
bert Pykering brought such against the ex-
cutors of thozdinarie. Note of what by ali-
ments and possessions of goodes, a man shal
be charged.

Addicion.

CIf I make a writing sealed, & that deliue
red to J. S. vpon certaine condicions to bee
performed, & than to deliuer to R. M. and W.
M. obtaine the deede, the condicions not per-
fourmed, I shal haue a writ of Detinue a-
gainst J. S. M. 9. H. 6.

CIf my father deliuer to R. a deede of feoffe-
ment to deliuer to him & to his heires, & one
J. obtaine the deede, I shal not haue accio a
gainst J. if J. haue not the land, for if a strā-
ger haue y lād, y deed belōgeth not to me, for
it belongeth to y executors. H. 9. H. 7.

CBut if I be enfeoffed by deede w a war-
rant,

rant, and after I. enfeoffe another in fee, and
binde me & mine heire to warrant & die, if a-
ny haue the deede by which I am enfeoffed
my heire shal haue a writ of Detinue, & so if
my father bee disseised & die, I shall haue a
writ of Detinue, though I haue not I. lād.
And of Charters taken out of my possession
my executours shall not haue accion of De-
tinue. D. 6. H. 4.

¶ A deede or any other thing deliuered to a
monke, vpon condicion to redeliuer, a man
shal not haue an accion against the Abbot &
his monke, for I monke may not charge the
abbot against his wil, but of a deliuey made
to a monke to deliuer ouer to the Abbot vpon
a condicion & c. if the abbot persourne I, then
he shall haue the thing for euer, now I abbot
shalbe charged alone, without nampnge the
monke with him. C. 1. H. 4.

¶ The same law is of a deliuey made to the
husband & to the wife, I writ shalbe bought
against the husband alone otherwise I writ
shall abate. D. 38. C. 3.

¶ But if a woman come to a thing as exe-
cutrix, which woman taketh a husband, now
I accion may be brought against I husband &
the wife iointly. C. 39. C. 3.

¶ And if the wife haue coexecutor with her
it is no plet for her and her husband, to saue,
that her first husband made his executours.
Swe the said husband & wife, and one I. which
is in full life not named & c. for the possession
chargeth

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chargeth him. **E. 41. E. 3.**

Note ye, that a man shal haue a writte of Detinue, against y^e husband & his wife of a deliuerie made to y^e wife, whā she was sole afore the mariage. **H. 43. E. 3.**

In Detinue of Charters, the tenant may pleade a deliuerie in another County, & the reason is, for that, that hee may not wage his lawe. **Pa. 9. H. 6.**

A man may not wage his law in the Detinue of Charters. **Pa. 8. E. 4.**

But in Detinue of xx. quarters of wheate he may wage his law. **P. 6. E. 4.**

And if two writtes be brought by diuerse plaintifes against the defendante of any thing he may pray that they may interpleade: as if two bring seuerall writs of Detinue against one of one obligacion, & euery one declare a seuerall deliuey made by thē, in this case they shall interpleade, notwithstandinge the declaringe of seuerall deliueries, for that, that it is not trauersable, but conuenaunce to the accion. **P. 3. & Pa. 7. H. 6.**

If two writs be brought against one man of one thinge, & y^e one plaintif declare of one deliuey in y^e countie of S. & y^e other declare of a deliuey in y^e countie of M. In this case they shall not interpleade. for it may not bee intended one deliuey of one thinge, and the defendante shal answere to bothe the plaintifes. **An. 14. H. 6.**

But if the defendante confesse the accion of one

One of these plaintiffs: the other shall have his remedy by his action, and they shall not interpleade. C. 8. E. 3.

¶ And if the parties be awarded to enterplede, he that hath the writ of elder date ought to declare first. H. 3. H. 6.

¶ Note that whē the defendāt in a writ of detinue praiceth garnishmēt, he is out of the court maintenāt for to plead any ple, but hath daye in court to deliuer the writ the plaintiff demādeth to him, to whō the court awarded. H. 12. H. 4.

¶ If I and another deliuer a thing to keepe and to deliuer to vs, or to the one of vs, in an accion brought by one of vs, it was sayde, that the deliuerie was in maner void, for it is in no certayne to whom it shalbe deliuered but admitte, that the accion was brought by the one of vs. Quere, If the garnishe shall haue the plee in abatement of the writ for to shew the matter, in so much that the defendānt hath admitted the writ good. And the oppinion was that the writ brought by the one shall abate. H. 12. H. 4.

¶ A writ de Catallis nomine
districcionis.

¶ This writ de Catallis nomine districcionis captis reddendum, may not be maintained in no place but within a boroughe, or within a house for rent going out of the same house wher a man may take the doores, windows or gares.

¶

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¶ Writ de Cartis reddendis:

Rex viē salutē. Precipe A. qd ec. reddat B
quandam cistam cū cartis scriptis, & alijs
munimentis ac diuersis cartis, & bonis in ea-
dem cista contentis sub securē ipsius B. clau-
sam quam &c.

Rex viē salutem. Precipimus tibi quod A.
iusticies quod iuste &c. reddat B. quandā car-
tam vel duas cartas, vel tres, vel quoddam
scriptum oblig. vel quoddam scriptū conuēti-
onale, quam vel quas ei iniuste detinet, vt dicitur
sicut rationabiliter mōstrare poterit, quod ei
reddere debeat. Ne amplius in d. clam aud. p.
defectu iusticie, teste &c.

This writ lieth in case wher any writings
or Charters of feoffment are deliuered to
any man to kepe, and he to whom the wry-
tinges were deliuered, will not them redely-
uer, when the other these demaundeth, shall
haue this writ. And know ye, that it is con-
uenient for him to shew the certaintie of this
Charters demaunded. or otherwise this writ
shal not be maintained. And the proces is so-
mons, attachement, and distres vntil the par-
tye come. And no proces of vtlawrie lyethe
in this writte, for that, that it toucheth fre-
holde. And in plee that toucheth freeholde,
no proces of vtlawrie is geuen, but by the
newe statutes of Edward. the thirde, Cap.
23. Proces of vtlawrie is geuen in a writ
of Dette, Detinue of goodes, as in a writte
of accompt.

¶

CAuzit of Audita querela.

Rex Iustis suis de banco salutem. Ex gra-
ui querela J. accepimus qd cum idem J.
nuper coram J. de W. tunc maiore iur W. &
U. de S. tunc clerico &c. recognouisset se de-
bet B. C. li. ad certos terminos in dicta re-
cognitione contenti soluendi, ac idem J. post
modum per quadam indenturam inter ipsos
J. & J. concessit, quod si predictus J. soluerit
predicto J. singulis annis ad iij. anni termi-
nos, per equales portiones quendam reddit. r.
s. exeunt de terris & tenementis pdicti J. aut
R. fratris eiusde J. in villa de N. & in subur-
bio de N. ad totam villam ipsius J. q. tunc
predicta recognitio C. li. penitus casset, & p
nullo haberetur put p alteram partem inde-
ture pdicte p dictu J. sigillat quam idem J.
penes se habet ut asserit plenus poterit ap-
parere. Et licet pdictus J. dictu reddit. xl. s. p-
sat J. singulis annis ad terminos pdicti equis
portionibus a tēpore recognitionis pdicte cō-
fecti vsq. ad festum Pasche An. li. bñ & fidelit
soluerit & eundem redditum eidē J. sēp hacte-
nus a festo pdicti vsque ad eodē terminos sol-
uere paratus fuerit & adhuc existat, put bici-
bus & modis quibilibet conuenit parat⁹ est
soluere eidem J. executionem dictarum C. li.
de terris & tenementis ipsius J. ptextu recogni-
pdicti psequitur minus iuste in ipsius J. non
modicum grauamen. Et contra vim & effectū
indenture predictae C. quia eundem J. iniuri-
ari nolumus in hac parte, vobis mandamus
quod

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quod vis altera parte indenture p̄dicte, & vocatis coram vobis partibus p̄dictis auditis que hinc inde earum rationibus vltimus in hac parte fieri faciat, quod de iure & secundum consuetudinem regni nostri Anglie fuerit faciendum, teste &c.

This writteth in case, where a man is holden to another in a certaine summe of money, by statute merchant, to pay at a certaine day: or otherwise, that hee shall forfeite the penaltie of the statute Merchaut, within which day, the creansor releaseth to the dettour the same summe, or otherwise by covenant of indenture betwixt them made, that is to say, that the dettour shal pay to the creansor a lesse summe of money every yere by little parcellis vntil the same summe bee fully contented & paide, and if he do, than the other shal not sue the statute, then notwithstandinge the release or indentures, the creansor sueth to the Mayor and bailifes for execution of the statute, & is to say, & the dettour be taken, and put in prison vntil the det be paide: then he to whom the release or indenture was made, or his next frende, shal come to the Chauncellor, & shew the release to him, then this writt shall be graunted & directed to one of the Justices of the common bank, & after he shal haue somes out of the common bank to the shirife in what countie so euer the creansor is in, to cause him to come at a certain day, at which day if he come not then he shalbe distrained, & if he come not to the

the distres retourned, the ~~g~~het shalbe restored to his lande.

¶ Addicion.

¶ One was taken by a Capias vpon a certificat of a statut merchant, and shewed for acquittance of the plaintife, & prayed that he might be demaunded, and so he was, and appeared not. Wherefore the defendaunt prayed that it be recorded, and to him it was denied for that, that he hath no day in court, wherefore he prayed a venire facias, or a scire facias, against the plaintife to answer to the deede & to him it was denied, & it was awarded ~~h~~ he shal sue an Audita querela, or els he shalbe without remedy. **D. 13. C. 3.**

¶ The writ of Audita querela reherseth howe the recognisee hath released al acciōs by his deede, & also that he hath released by indenture vpon certain condicions & whiche was fulfilled, & the writ was challenged for that ~~h~~ it reherseth these two titles, where one extinguisheth the whole, wherefore the courte awarded ~~h~~ ~~h~~ plaintif shal hold him to ~~h~~ one & so he helde him to ~~h~~ release **D. 44. C. 3.**

¶ Note that it behoueth all tymes that the Audita querela make mencion of the release acquitaunce or defendauunce, for otherwys the plaintife shall not haue a Superlédias. **D. 28. C. 3.**

¶ Know ye, that if one Audita querela, bee challenged, for ~~h~~, ~~h~~ it doth not accorde to the statut, & the recognisor putteth afoze another writ

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Writ of Audita querela, and praiseth that the defendant may answer to his deed, in this case if y^e defendant will not answer) nowe whē he hath day in court to answer) to this ij. writs then a venire facias byō the ij writs shalbe awarded, & a Supersebas to y^e shirif, & y^e is a disauantage of the defendant & y^e first writ is abated. C. 25. E. 3.

CA writ of Si recognoscat.

R Ex viē salutem. Preē tibi q^d si A. recognoscat se debere B. xl. s. sine vltorioze dilatione, tūc ipsū distringas ad predictū debitum eidē B. sine dilatione reddē, teste &c.

This writ lieth, where a man oweth to another a certain det, & the dettour knowledgeth afoze the shirife in his countye, that he is dettour to such one, then he to whom he is dettour after the recognisance made, shall haue the said writ. And by this writ he shall be distrained vntil he hath made gree to the party for y^e det. And note that this writ lieth not, but of money numbred.

CA writ de Executione facienda.

R Ex viē salutē. Monstrauit nobis B. q^d cū ipse nūp implacitasset in com^{te} tuo per breue nostrū A. de debito C. s. & idem A. in pleno com^{te} illo recognouit se debetē prefato B. eandem pecuniam ad certū terminum reddē, tūc termino illo elapso, & eandem pecuniam eidē B. nondū soluit illā ad querimoniam suā scdm
recog-

recognitionem predict hanc habere nō fecisti in ipsius B. dampnum non modicum & grauamen. Et quod idem B. prout iustū fuerit subuenire volumus in hac pte tibi pte qd si ita est pecuniam illam de bonis & catalis ipsius A. in balliua tua leuare & illam eid B. habere fac sine dilate, ne clam ad nos in pte iteratus, teste &c.

This writ lyeth where a man impleadeth another in countye befoze the shirife, & he sheweth the dettour maketh there a recogniſaunce befoze the shirife to pay to the plains in the same somme at a certayne daye, the which daye is past and the somme not payd, nor y recognisce wil not pay the said somme to the plamrife, then the playntife shall haue the said writ that is called de Execucione facienda, de recogn. facta in com. Directed to the shirife, commanding him that he make execution of y same knowledge.

This writ de Secta molendini.

Rex vob. salut. Pte A. q iuste & sine dilate fac secta ad molendinū R. de C. quā ad illud facere debet & solet vt dicit. Et nisi pte B. fecerit &c. tunc sum &c. ostend. quā nō fecerit. Et habes &c. teste &c.

This writ de secta molendini (being in the dettour shire) is a writ of right, & it lyeth betwixt straunge persons for such suit with pte B. And if the lord aske suite of his tenant, he may distraine and auow y distress to the

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to the reasonable And y was bled in y time
of E. some of kinge H. and such writte maie
be made in the countie and in the bank, as it
appeareth by the Register,

CA writ de quod permittat

R Ex vi^o salutem. Recipe A. qd iuste &c. et
sine dilatione pmittat B. habere com^o pas-
tare in M. de qua C. pater p^odicti B. cui^o he-
res ipse est fuit seiscitus: vt de feodo tanquam
ptineu tenement suu in ead villa die quo o-
biit, vt dicit. Et nisi &c.

This writ lyethe where a man is disseised
of comon pasture, and the disseisour bothe
alien and dieth, and his heire entreth o^r the
disseisie dieth, the heire of the disseisie, o^r
the disseisie self, shal haue the sayd writ. And
note ye: that a quod permittat was bled: ha-
bere rationabile estouariu in bosco, vel i tur-
baria & similibus. But in place of this writte
is geuen A. use of nouel diss. as it is laide in
the statute of Westm. 2. Cap. 25. which begin-
neth: Quia non est aliquod breue &c. For by
the statute is ordained: that if any be dissei-
sed of his turbarie, fishing o^r of anye other
suche like that belongeth to his freeholde for
terme of his life at the least, he shall haue al-
use of nouel disseisin. And also by the statute
of West. 2. Cap. 24. which beginneth. In quib^{us}
casibus &c. y if any pers^o of holy church
be disseised of his comon of pasture (I p^ounge
the disseisour) he shal haue aluse of Nouel
disseisin

disseisin of common of pasture. And in the same maner will, that y^e successor shal haue a writ of q^d permittat against the disseisor of his heire. But in case where they are many comoners, whiche hath comon of pasture together by deede or couenant. And that the lord leaue vpon the comon a mill or a backhouse. The commoners shall not haue assise of nouell disseisin, but shall bee helped by the comon law vpon their couenat or especialtye. And that is geuen by y^e statute of West. 2. Cap. 46. whiche beginneth: *Quia in statuto* &c. in the ende. And note ye that when this writ is in the debet without the solet, a man oughte to declare of the seisin of his auncelstour, and shall holde his suite deriued good, then lyeth battail or great Assise. And when the writ is in the debet and the solet, and a man shall declare of hys owne seisin, & not to saue, to holde his suite deriued good, and this writ shalbee tryed by the enquest. And this write shall bee pleaded as a writ of trespass by attachement and distresse and not by the graunde Cape or petit Cape. And it is to know that if a free tenant be put oure of his comon of pasture by the lord, or if y^e lord hath approued contrarpe to the statute of Marton Cap. 4. and againste the statute of Westm. 2. Cap. 46. so that the tenant hath no sufficient pasture, he shal haue Assise of Nouel disseisin of comon of pasture. And if the pasture bee surcharged by one free tenant, they

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they shall haue a wryte of admeasurement. But if the ternaunt surcharge the pasture the lord shall not haue a wryte of admeasurement against the ternaunt, nor the ternaunt agaynst the lord, but the lord shall haue Assise of Nouel disseisin de libero tenemento, qd hoc dubitat. And know ye: that a wryte of Quod permittat may be pleaded in the county before the shirife & it may be in the debet & solet, or in the debet without the solet, accordinge as the demaundaunt claymeth. And if a mā disseised of his comon of pasture, and the disseisour dyeth and his heire entreth, the disseisour shall haue a wryte of Quod permittat, and shal make mencion of the disseisin. And if after the death of the disseisour or his heires, a strange purchasour entreth, hee shal haue a Quod permittat in the debet & solet, which shal trye the right. And if hee demaund common of pasture of the seisin of his auncestour the day of hys death, he shal haue a wryte of Quod permittat that shal make mencion of the seisin of hys auncestour, & which is in nature of Mohord. But if a straunger enter after the deathe of the disseisour, he shal haue agaynst the strainger no other wryt but the Quod permittat in the right. And know yee: that a Quod permittat lyeth of comon turbary, fishing, & of reasonable estouers agaynst the disseisours of a disseisin by him or his auncestours made to the plaintife or his auncestours, and in no other degrees. Note ye: that in the Quod permittat that

that is of the nature of the Mortdauncester may not be pleaded in the county. But that Quod permittat ad certum numerum auerionu may wel be pleaded in county in the comon bank, or in Eyre.

In a Quod permittat in the debet and solet, of a way of his owne seisin, it is conuenient for the pleintife to claime the way in his declaration by prescriptio or by deed: for that, & he claimeth to take such profite in & seuerall of another person. C. 30. H. 6.

Note ye: that if a man & his auncestours were wont to grinde at my mill wout multure, and the milner will not suffer hym to grinde without multure, whereby & milner taketh multure. In this case a man shal not haue a writ of Quod permittat, but a writte of Trespas. H. 41. E. 3.

And note ye: & there is. iij. maners of comon (that is to say) Comon appendant, comon appurtenaunt. Comon in gros, & comon par cause de visinage.

Comon appendant: is there, where a man is seased of a maner to which he hath comon in other seueral appendant to the same maner. And this comon may not bee occupied, but with his proper beasts, & such as be the compester his lande. H. 4. H. 6. An. 11. H. 6.

And if a man claime comon appendant, he ought to claime it by reason of a mesuage, or therwise it is not good. An. 21. H. 6.

And note that a man maye haue comon of
R. 19. fishyng

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fishing belonging to his house as wel as comon of pasture. *M. 4. C. 3.*

And knowe ye that Comon appendant may not be severed from the landes to which the comon is belonging. And if the tenementes, to whiche a comon is belonging come in the possession of him y^e hath y^e lād, out of which y^e comō is purchased the y^e comō is extinguished in his person. And if y^e tenementes afterward, be severed by alienacion, as they were afore, then y^e comon is appendant as it was before after *Scot. M. 4. C. 3. M. 5. B. 7.*

Comon appurtenant is when a mā prescribeth to haue comon appendance to his lād with al maner of beasts, & this comon maye be made gros. *C. 37. B. 6.*

Comon in gros is where a man prescribeth, y^e he & his aūcestors hath had to comō in the lande beastes without numbze, & hee may occupy his comō, wth what maner beastes y^e he will, & may take beastes of a straunger to gress &c. *M. 5. B. 7.*

Comon per cause de visinage is where y^e towne of Dale, & the towne of Sale are adioyning, & y^e lord of Dale & his tenants hath p^{ro}vided to comon in the wast ground of Dale, because of his neighbourhead. *An. 22. B. 6.*

And note ye y^e to land newl^ye approued: a man shal not haue comon, but to auncient land hid & gaīne. *B. 10. C. 3.*

If a man graunt to me to common wth my beastes wheresocuer his beastes go, & after he occupieth

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occupieth & manureth C. acres of lād & his
beasts, & after it happeneth so, & he hath no
other beasts, yet I shal haue my comon in
saide C. acres of lande. But if a man graunte
to me to comō wheresoever his beasts goeth
(it is said by Martine & I shal not haue co
mon, but when he cometh. A. 40. B. 6.

Note ye: & it was said by Fairfax & if one
hath a waye belonging to his manner, or to
his house by prescription, thys waye maye
not bee made in grosse, for that that none
maye take profit of that way, except he that
hath the house, to which & way is belōging.
But a comon appurtenant may be made in
gros, & auowson appendant may be made in
gros: for that & people maye haue profit of
them, notwithstanding & they haue not & land.
But of comon of Estouers to be vsed in a
house, may not be scuered & he made in gros
nor comon appendant, which is by reason of
the tenure & c.

¶ A writ de Quo iure.

R Exbi salutem. Si A. fecerit te secut & c.
tunc sum & c. B. qd sit coram & c. ostēl. quo
iur exigit cōmuniā pasture in terra ipsius
A. in C. sicut idē B. nullam habet cōmuniā
in terra ipsi? A. nec idem B. seruicia facit:
quare cōmuniā in terra A. habere debet,
ut dicit. Et habeas ibi, sum & hoc breue,
teste & c.

¶ This writ lyeth, where a man hath cōmon
of pasture in another mans seueral (after
R. iiij. the time

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the time of y^e memory vnto this present daie) then he to whom the seuerall belongeth, shal haue the said writ, by which he shalbe charged to answer, by what title he claimeth to haue comon of pasture in the seuerall of the pleyntife.

And note ye: that the lord may not put out the tenaunt of the comon: for if he put hym out, he may haue assise against the lorde, for that, that the tenaunt was seised of y^e comon after the limitation of assise. But it is conuenient that the lorde haue this writ, & this writ is geuen to trie the right. And the proces is in this writ, Somons, attachement, & distresse, vntil the party come, and when y^e party cometh & pleadeth in the right to the accion, and after make default, then shall go a graunde distresse in place of a petite Cape. And this writ shalbe determined by battail, or by graunde assyse aswell as anye other writ of right.

Addicion.

And know ye, y^e this writ lieth for tenaunt of y^e ground, but not for him y^e claimeth comon by Herle. An. 2. E. 3.

A Quo iure brought by two, thone was no suit, and the other was receiued to sue sole, and the defendaunt iustified by prescription etc. And therefore hee wente quyte. C. 11. H. 3.

A Quo iure may be brought against seuerall tenants. Or if they and their tenants enter comon

tercommon by cause of billenage, or of tyme
whereof memory doth not runne though he
the one gainat his land or inclose, yee he shal
haue his comon with the other, and y other
shal haue a wyrt against him for to haue his
comon.

C A wyrt de admesuratione pasture.

R Ex vii salutem. Quest^o est nobis A. qd
B. iniuste superoneravit comunē pastu-
ram suam in M. Ita qd in ea plura habet a-
nimalia et pecora quam habere debet, et ad
ipsum pertinet habend. Et ideo tibi preceptu-
mus, qd iuste & sine dilatione admesurari
facias pasturam illam. Ita qd predict^o B.
nō habeat in ea plura animalia et pecora quā
habere debet, & ad ipsū ptnet habend secundū
liberū tencmentū suū qd habet in eadē villa.
Et qd pdictus A. habeat in pastura illa tot
animalia & pecora q̄ habet debet et ad ipsum
ptinet habend ne amplius clamorem aud p
defectu recti teste &c.

T Hys wite lyeth where there are manye
freetenautes whiche hath common of
pasture belonging to theire freeholde, & one
of the surcharge y comon, otherwise then he
ought, then hee that is greued by this sur-
charge shal haue this wirt. And know yee
that this wirt lieth for one of the comuners
or for all but they shal not haue it against y
lorde. And if one of them bzing a wypte of
Mesurement al these comuners shal bee
amended,

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amended, as wel these that bringethe not the writ, as he that bringeth the writ. And this proces is in this writ, as is ordained in the statute of West. 2. Cap. 7. whiche beginneth *Custodi de cetero* &c. that is to save, somons, attachit, & distress parreptory & proclamaciō made in two countries. And if y party come at y proclamacion then the plee shal passe betwixt them. And if hee come not at the proclamacion, then the mesurement shalbe made by his defaute.

Addicion.

Note ye: that in this writ. it is no plee for the defendant to say, y hanging this writ y demandant put him out of his comon, and of that he hath a lise hanging for that, y hee is seiled of the tenements, for y which he surcharged the pasture. An. 8. E. 2.

If I have comon in maner because of bisinage, & the lord surcharge y comon I shal have a write of mesurement against him: for that, y I am not his tenat. En tēps. E. 3.

And know yee after this, if there bee but two neighbours in a towne, which enter comoneth in others lande, a write of mesurement lieth not betwixt them for the one may not say, y y other hath surcharged his comō for his comon is y freehold of y other, & his freehold may not be surcharged. H. 19. E. 3.

This writ lyethe not against him whiche hath comō appendāt nor against him y hath comō by especialtie to beasts wout numbze.

But

But against him which hath comon appurtenaunt, & comon by especialtie to a certayne nūbre of bests &c. A. 22. E. 3. Li. ass. plito. 45

In a writ of Mesurement of pasture, hee declared that where the defendaunt, hath comon in a certain place because of his tenure, and there hath the defendant put mo beastes then he ought of right, and shewed y nūbre, and the surplusage of the beastes, the defendāt saied that there is another that hath comon in the same place which is in ful life not named in the wypte. And by some men it was sayde, that a man shal not haue an accion against one, against whō hee hath no cause of accio. But by this accio al shalbe admesured & it is no p̄iudice to thē: for that, y they haue al that, y right Will. B. 7. B. 6.

CA writ de secunda superoneratione pasture.

Rex viē salutem. Monstrauit nobis A. qd cum ipse breue tibi nēam nup detulisset de cōmuni pastura sua in M. admesurādā quā B. iniuste superonerauit. & in pasturā illam per preceptum nostrū prout mos est in regno nostro admesuraueris idem B. pasturā illam post admesurationē predictam iterū iniuste suponerauit in ipsius A. dāpnū nō modicū et grauamen & contra formā statuti in h̄modi casu prouisū. & quia eid A. iuxta formam eiusdē statuti subuenire volum⁹ vt tenemur tibi precipim⁹ qd in propria persona

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tua ad pasturam illam accedas et per sacrum
probozum & legalium hominum de ballua
tua, per quos rei veritas melius scire poterit
de secunda eiusdem pastus superoneratione
diligenter inquiras. Et super inquisitionem
illam pasturam predictam par prefatum B.
post primam adimensionem iterum iuste
superonerat inueneris, tunc de aueris illis
in pastura predicta ultra debitum nume-
rum post primam adimensionem positus
ut de precis eorundem nobis ad seccat nos-
tram respondeas & superonerationem amo-
neas teste &c.

This writ lyeth, where Mesurement hath
been made, and he that first surcharged &
comon, another time surcharged that he that
is so greuen shall haue the saide writ. And
note ye: that this writ is sometime original,
and sometime Iudicial. And in the case afore
said it is original, and it is a Iustices not re-
tournable. But that the shirife shall goe in
proper persone to the pasture, and hee shall
make inquirie by lawfull men of his bayly-
wike of the superoneracion and if it be found,
the sherife shall answer to the barons of &
Chequer for beastes, which were in the pas-
ture ouer and aboue the due numbze: And
when it is iudicial, then it shall go out of the
common banke to the sherife commaunding
him that he go to the place where & mesure-
ment was made, and inquire in the presens
of the parties, of the second surcharge: and if
it be

it be found, the inquisition shalbe sent to the iustices of the comon bank vnder his scale, & the seales of the iurours and after y inquisition retourned the iustices shall iudge the parties their damages. And know ye: y this writ lieth not, but where a mesurément hath been made betwixt the foresaide tenautes: for if anye purchase the state of one whiche was partye to the mesurement, hee shall not haue this writ of seconde surcharge, for hee is not helped by the statute of west. 2. cap. 8. And know yee that a writ of Mesurement may be remoued out of the countye into the comon bank by a pone, aswell at the suite of the pleintife as at the suite of the defendand. But it shalbe al times with cause. And then the writ of the second surcharge is Iudicial, as is aforesaid.

CA writ de Rationabilibus diuisis.

R Ex viē salut. Precipim⁹ tibi qđ iuste &c. lat̄ eē rationabiles diuisiones inter terram A. in C. et terrā S. de B. in D. sicut eē debent et solent: vnde idem A. queritur: quod predictus S. plus inde trahit ad feodū suū qđ ad ipsū ptinet habendū. Ne amplius inde &c. p defectu iusticie teste &c.

This writ lieth in case where there is two lordes in diuers towne, & theire seignories ioineth together. If any parcel of lād of the one seignorie hath ben incroched by little parcels after the time of memory vnto thys present

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present time, then þ lord of which seignioye
the parcel of land was encroched, shal haue
þ sayd writ against þ lord þ hath encroched.
And know ye: þ this writ is a Justices &
may be remoued by the pone out of þ county
into þ comon bank. And this writ hath been
made betwixt diuers towne, & diuers per-
sons & not otherwise. And þ proces is, Ho-
mōs, graūd cape, & petite cape.

¶ A writ de Perambulatione faciēda.

Rex vñ salut. Pre tibi qđ assūptis recū
rij. discretis & leg. militibus de com tuo et
in propria persona tua accedas ad terram w.
de S. in C. et terram R. de A. in P. p eorū
factū fieri fac perambulationem int terram
ip. us w. et terram predicti R. in C. quia p
dict w. et R. posuerunt se coram nobis in p-
ambulationem illam. Et scire fac Justicia-
rijs nris apđ westm. tali die vñ iusticiarijs
nostris ad pūnam assisā sub sigillo tuo & si-
gillis. iij. legal militum ex illis, qui perambu-
lationem illam interfuerint per quas metas
et deūilas perambulatio illa facta fuerit. Et
habeas ibi nomina militum et hoc breue
teste &c.

This writ liethe in case aforesaide where
parcel of land of the one lord hath been in
such maner incroched by long time past, then
by assent of both the lordes this writ shalbe
purchased. And in this writ is noe proces.
But þ the Sherife shall take with him þ saide
parties

parties and chiefe men dwelling in the sayde feignourye, and go to the saide place where the incrochement was made, and there they shal make Perambulacion, and order y^e seignories as they were in olde time as beefore the incrochement. And know yee, that these two writs lieth not, but where that incrochement hath been made from yeare to yeare by little parcels withoute time of minde vnto this present time. But where the incrochement hath been made but of late time, the lieth y^e assise. And know ye: y^e the writ of perambulacione faciēda, alwaies is made by agreement of the parties betwene diuers townes in one county. And the parties betwixt whō y^e Perambulacion shalbe made, shal come to the Chauncery & that Perambulacion shall be made betwixt their lands. And y^e agreement shalbe inrolled, or thereof a dedimus potestatem may be made, An. 8. E. 3.

¶ Addicion.

¶ Note ye: that a tenāt in dower may haue this writ. But y^e Perambulacio shalbe made betwixt him in y^e reuerſion & y^e defēdant in this writ, & not betwixt y^e tenant in dower & the defēdant. An. 12 H. 3. It eborum.

¶ A writ de annuo redditu.

R Ex vi^o salut. Pre^o A. qd iuste &c. reddat B. &c. C. li. quas ei a retro sunt de annuo reddit. xx. li. quas ei debet, vt di^o. Et nisi fec^o &c. tūc sum^o &c. ostens. quare nō fecerit. Et ha^o beas ibi sum^o & hoc breue, teste &c.

¶ Alter

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C Alter in comitatu.

R Ex viē salutem. Preē tibi: qđ iustices A
qđ &c. redd D. de C. cētū solidos: qđ ei are-
tro sūt de annuo redditu x. li. et vnius robe, qđ
ei debet vt dicit, & sicut ratiabilis &c. Ne am-
plius &c. p defectu iusticie, teste &c.

T His writt lieth in case, where a mā grā
to another by writting any summe of mo-
ney oz rēt, to take euery yere of his cofers,
oz of his chambze oz of his maner. And after
such graūt that summe of money oz rent is
behinde. Then he to whom the rent is graū-
ted shall haue the saide writt & by this writt
reouer the summe of money oz rent that is
behinde and his damages. But if the lands
oz tenemēts be charged with a distt for such
rent behinde then he may distreine in y lādgs
oz tenements. And if the distress bee fro him
deforced, then he shal haue assise. And know
ye: y this writt of Annuite is not to be sued
by executours, but in place of this writt
is given a writt of dette, which shal be made
in the Detinet, and not in the debet, and in y
same maner shalbee of wheate Barley, and
other suche like. And knowe ye that in this
writte, and in a writte of Dette vppon an
obligacion, and in other cases like where hee
ought to shew especialtie in declaration, de-
claring in suche writtes it is conuenient that
the name of the plentife, oz the name of the
defendant agree with the specialtie oz other-
wise the writt shall abate, if the partye that
challenge.

challenge. But in a writ of waste brought by him in the reuerſion, and in a forſmedon in þ remainder, a man ought not to ſhew eſpecialtie aſoze that it be demaunded by the party though that the name of the plaintife, oz the demaundant in the writ be not according to the eſpecialtie. The writ ſhal not abate, as it appeareth H. 4. C. 7. in a writ of waſt. And the proces is Somons, Attachement & diſtreſſe infinite.

¶ And note ye, þ of al annual rent going out of lands oz tenements, & not of a chamber a man ought to haue this writ.

¶ Addition.

¶ Note ye, that if annuitie be graſted out of a church in one county, & þ grãtee is ſeiled of þ annuitie in another county, þ grauntee may choſe in which county he wil bringe his writ of annuitie. H. 4. H. 6. H. 13. C. 3.

¶ In this writte the declaracion was challenged: for that, that the plaintife ſuppoſed ſeyſon by the handes of the defendaunt and hys predeceſſours, where hee was not ſeſed by the handes of the defendaunt: and not allowed. H. 22. C. 3.

¶ The declaracion was challenged for that that it was the yeare of the Incarnacion, & not the pere of the raigue of the Kinge, and not allowed. H. 16. C. 2.

¶ If Annuitie be graunted vpon condicion the pleintife ſhal not ſhewe that, in his declaraciõ, but he ſhal make his declaraciõ ſimple.

L. J.

& the

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and the defendant shal not haue auantage of that by way of plee in abatement of the declaration, but he shal pleade that by way of barre. *H. 11. C. 4.*

CIf a man grafit annuities of a gowne, price *xx. s.* the writ shal bee brought of the gowne, price *xx. s.* without speaking of the *xx. s.* if the grauntee will, or hee may haue a writ of the *xx. s.* about speaking of the gowne, & in this case y writ shal not abate though y it be not according to y writting. But if y writ agree w y graunt, the writ shal abate for y non certaintie, for by the writ the demaunde ought to be certaine. *H. 3. H. 6.*

CIf I grafit an annuities of *xl. s.* to one of y kings chapleins, vntil he be promoted by me to a competent benefice, in this case if I profer to him a benefice which is worth *x. marks*, the which he refuse, that is a good extinguishment of the annuities, for the benefice shal haue relation to the value of the annuities, & not to the estate of the person, to whom it is profered, though that hee bee a man of greete estate, quod nota. *H. 3. H. 6.*

CIf annuities be graunted vpon condicion, y is to say, vntil the grauntee be promoted to a benefice, or to gene his counsell &c. And the grauntee bring a writ of annuities of y arrerages, & the grauntor say, that such a day he profered to him a sufficient benefice, or that hee demaunded his counsell, & the grauntee that refused, in this case the grauntour shal not
aun-

answer to the arrears, as before the writ
for \bar{y} , that by the tender, the Annuity is
terminated, and of these arrears, before the
extinguishment, the grauntee is put to his
writ of det. If the grauntee haue acquitance
of the arrears before the extinguishment,
he shal not plede that in a writ of Annuity
for he shal haue auantage to plede that in a
writ of dette. H. 16. C. 3.

C If Annuity be graunted out of certain land
it is in election of the grauntee to bring a writ
or a writ of annuity. H. 18. C. 1.

C In a writ of annuity if the defendat shew
acquittance of the arrears, yet the plaintife
shal haue iudgement to recouer the annuity
as well as in a writ of Meane, the defendant
pleadeth not distrained in his default, the
plaintife shall recouer the acquittall streyght
way. H. 30. C. 3.

C In a writte of Annuity against one J. &
declared that the said J. by a deede \bar{y} he ther-
eth graunted to him one annuity of xx. s. by
 \bar{y} pere, going out of the manour of Dale, the
defendant said \bar{y} after the action brought, he
hath receiued x. markes of \bar{y} arrears of the
said annuity, and so hath he abated his will.
And it was holden \bar{y} that was no ple to dis-
charge \bar{y} writing, except \bar{y} he shewe another
writing, as it is vpon an obligacion, els it is
no discharge. H. 22. C. 3.

C If a Parson of a church hath licence of \bar{y}
patron & ordinarie to graunt annuity, thys
H. ij. graunt

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grant of Annuitie with suche licence shall
take his successoz for ever wout any other
grant oz confirmacion of the patron & oz di-
parie. And that is as stronge in the lawe, as
they al had topped in graut oz confirmed the
graunt made by the pson alone. *Tamen que-
re. D. 6. B. 4.*

Cf annuitie be grauted to another for his
counsel geue & to be geue & grāt is not bound,
to go to the grautor, but to geue his counsel
where the graunt is. *D. 4. B. 6*

Cf a man graunt to me an Annuitie of xx.
s. by yeare payable at the feaste of saint Mi-
chael, & at the Annunciation of our Ladye,
and the deede beareth date the fourth day of
Februarie, I shall take the firste payment at
the feaste of the Annunciation nexte after
the date of the deede, notwithstandinge, & the
feast of Saint Michael, be the first daye in
the deede.

CA writ de Consuetudinibus & seruitijs.

R Ex viē salutē. *Prē A. q. iuste &c. fac B. B*
Conf. & recta seruicē sua. q. ei fac debet de
libero tenemento suo, quod de eo tenet. in p.
vt in redditibus arē & alijs, vt sic vt in secta
curia & in alijs. Et nisi fec. &c. te secut tunc
sum &c. ostēd quare non fecerit. Et habeas
&c. teste &c.

This writ is a writ of right and will be de-
termined by battaille, oz by greaue Disse.
And uith where I oz my neauncellours af-
ter

ter the limitation of Assise was not seised of the customes, or of the seruices of our tenat. But afore the limitation we were seised of & seruices, & of the customes of our foresaid tenant, than for to recouer the said seruices, I shall haue the said writ. And y^e proces is tomons, graunde Cape, and petit cape. And it is to knowe, that this writ may be pleaded in iij. maners, that is to saye, by one affirmatiue, and two negatiues, this affirmatiue is called a writ of customes and seruices. And this writ supposeth alwaies, that the Lorde is actour, and the tenant defendant. And y^e lorde by this writ may demaunde against his tenant that holdeth the ground of him without meane, to demaunde rent or suit to court or fealtie, and such maner of seruices, whereof the lord, or his auncestours were seised by the hande of the tenaunt, or his auncestours as of rent going out of the same grounde, or in his demeane, as of fee and of right, by reason of which rent the corporall seruice is mouable. And for that, some people were wont to declare of the right in their declaration of his owne seison as of fee & of righte. But of other seruices that are not remouable, a man ought not to declare but as of fee, & of right without demene. And this writ is al holye in the right: where homage is graunted, and knowledged by the tenant in plee pleading, in which case lieth nother bataille nor great assise, nor in this writ ought the solei neuer to

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be witten. And know ye, & this writ ought
to be pleaded by the same delays, as & Quod
permittat, but in this writ of right is deman-
ded tenements in demer after customes &
seruices denied. And by the Lord Gilbert
de Preston lieth not the view, that is to saye,
if & before hold not & tenements in & same
towne, wherof the demandant claimeth di-
uers seruices to him as well as in the Quod
permittat, and this writ may be pleaded in the
county before the shirife, or Iustices of the
common banke by the Tene, but better it is
for the chiefe lord to pleade before the Ius-
tices of the common banke then in the Coun-
te, for & disclaimer of the & tenant, to whom
no paine is geuen vpon & disclaimer in & cou-
te. But if the disclaimour be alsoe Iustices
of record, then an accion is geue to & lord to
demande those tenements in demer, out
of which the seruices doth go. And if & lord
be wise he may purchase such maner of seru-
ices, & if they be behind for default or distress
he shal haue remedie, after the forme as is co-
tained in the Statute of Westminster 2. cap. 21. which
beginneth. Cum in statuto &c. And with &
agreeth the Statute of Gloucester. 3. which be-
ginneth. Ensement si homo lesse. &c. And that
one of these wittes of Customes, and ser-
uices negatives is open. And beginneth thus.
Prohibemus tibi ne iniuste vexes. &c. And
the other is close. And beginneth thus. Quia
salutem. Prohibemus tibi quod non permit-
tas

tas *¶* quod distringat *¶* B. ad faciendum ei con-
 su. et seruiz que de iure facere non debet nec
 solet &c. And the writ that is open is betwixt
 the tenant actour, and the Lords defendant,
 but after that the ternaunt hath declared for
 suit and damages, the lord defendinge the
 wordes of the court, and in the repleuin say
 that he distrained not the ternaunt for the cus-
 tomes and the seruices, whercof the declara-
 tion is to the wronge, and not to the ryghte,
 and after shewe al the declaration of *¶* writ
 of Customes and seruices, and profer hys
 suit to be good, and after the tenant, whyche
 was actour afore becommeth demaundaunt
 and shall defend by bataille, or by graunde as-
 se, as they ought to doe. And it behoueth of
 fine force, that the tenant knowlege to hold
 the tenements which are in demaunde of the
 same lord, by some seruices, or otherwise a
 writ of except lieth. And if he wil, this writ
 at the first shalbe brought in the court of the
 same lord, that distrained if he hath court and
 there shal the tenant pleade as longe as the
 court maye do righte. And when the courte
 may make no right, the shirife at the sugges-
 tion of the plaintife by vertue of such a clause
 that is contained in the writ, that is to sepe.
Et nisi feceris &c. maye make a Tolt out of
 the lords court into the countie, & fro thence
 remoue the plee afore the Iustices of *¶* comō
 bank by a pone if he will after the order of *¶*
 writ of right opē. The writ negatiue close is
 L. iij. of

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of Customes and seruices not due, & lieth in
case, when the lord distraineth a man for
customes and seruices not due, that nothing
claimeth to holde of him, and namely, when
the tenant that is distrained, knowledged no
seruices to be due to the lord by his hande, &
that is a writ of Righte, and he that is actor
shal become. defendand, and the contrary, and
such writ will bee determined by batayle or
graunde assise, as in the Quo iure. And ther is
difference betwixt this & the Ne iniuste vexes,
for that, that the ne iniuste vexes: will al times
be open. And the writ of Quod permittat close.
And the plaintife, that bringeth the ne iniuste
vexes, claimeth to holde of the lord that dis-
traineth, and knowledgeth in maner parte of
his seruice of him demaunded, and part deni-
eth. And he that bringeth this writ close de-
clareth not to holde of the lord the tenements
and no seruices of him demaunded to be due
by him to the lord. And if the tenant be soyle
at the beginning, he shal cause his beastes to
be deliuered by repleuin, for if the tenant may
auerre that the lord, nor none of his aunces-
tours were neuer seised by the hande of the
tenant, or of his auncetours, or of any other
tenant of the same tenements of the seruices
demaunded after the limitation of the assise,
the repleuin shal serue him but parauenture
the lord was seised by longe continuance of
the seruices demaunded, though that it was
by wrong by the hand of the tenant, or of his
aun-

aunccestors, then the replevine may not helpe,
but than he ought to bring the *Ne iniuste vexes*
oz if he be distrained by the chief lord for suit
than in such case he shal bring a writ formed
vpon the Statute of Mart' Cap. 8. which be-
ginneeth. *De sect liquidem faciend &c.* Note
ye, that a man may haue acquittance of y^e ser-
uices in iij. maners, that is to saye, by deede
that counter baileth acquitaunce, oz for that,
that the Heane is seyled of other suche evil
seruices by the hande of the tenaunt, as the
Lord paramount demaunded of the tenant
oz for that, that he & his aunccestours of time
whereof &c.

¶ Addicion.

¶ Note ye, that this writ is of diuers na-
tures, some are writtes of right determina-
ble, by bataile, oz by graunde assise, and that
maye none vse, but he y^e of clere righte maye
speake, and some are mixed in the possession,
& that in diuers maners, for some is brought
of the seison of the demaundant, by the hand
of the deforsant, and such writ shalbe in the
Debet and solet, and seme the seison of the
aunccestour onely, and such writ shalbe in the
Debet onely, without the solet, and shal de-
clare for damages for the possessiō, by which
this writte that wil be tried in the possession
may a man vse thought that hee may not trie
the right, as tenant in dower oz by the curtes-
ie, and if the deforsour wil disclaime, than the
tenant in dower oz by curtesie shal haue aide
of

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of him in the reuerſion, ſoz that, that he may not be haſty to ſuch hie aunſwere, that is to pleade in the right without him in the reuerſion to whom the accion is geuen by the diſclaimour.

¶ Writ de Contra formam feoffamenti.

Rex balliuis R. de B. ſalutem. Cum de cōmuni conſilio regni nēi Anglie poſſum ſic ne quis occōne tenementozum ſuozum diſtring. ad ſectā faciēd ad cui dñozū ſuozū niſi p formā feoffamenti ad ſectā illā aut ipſi vel eozū antecellores teñ illa tenētes eas ſaē cōſuetū ante pñ trāſgē dñi H. R. pami in W. i. tañ. vobis p̄cipim⁹ q nō diſtring. A. ad faciēd ſectā ad cui p̄dictā de H. cont formā p uilionis p̄dicte, & ſi diſtrictionē quā ea occōe feceritis ſine dilatione relaxatis, teſte &c.

This writ lieth where a man infeoffeth another of certain lands oz tenementes by Charter of feoffement, to make certaine ſeruitices and ſuits to his court, and the lord his heire. oz his aſſignes diſtraine his tenaunt to make moe ſeruitices then is contained in ſaid Charter, then this ſaid tenaunt may haue ſaid writ directed to the lord, cōmaundynge him that he diſtraine not the ſaid tenant to do other ſeruitices then his Charter wil, as it is geuen by ſtatute of Marl' ca. 9. whiche becometh. De ſect ſi qdē faciēd &c. ſoz nōe ſhal be bound to make ſuit to ſ court of his lord other.

otherwise then is contained in his Charter. And þe proces is attachement & distress until the partie come. And know ye, that this writ ought to be brought there where þe plaintife claimeth by discēt, & not by purchase. And also if any be distrained against þe tenure of any statut, he may haue a prohibicion, & vpon þe prohibicion attachement, but he shal not haue attachment afore the prohibicion sued. And note ye, that if any heritage of which one sole suit is due descend to many parceners, thē by the foresaid statute, he þe hath the auncient part shal make the suite for all, & these other shal make contribution, & if they wil not the shal haue against thē a writ De contributione facienda, which writ & many other that toucheth this matter shalbe found in þe Register among writs of the statutes. And the proces is as in a writ of Dedimus potestatem de fine leuanda.

¶ Addition.

¶ Note ye that in this writte, the defendant demaunded hearinge of the drede of scotement, and the demaunde was not allowed. M. 3. C. 1.

¶ Note ye, that if ther be the lord and þe tenant, and the lord is seised of two courts. s. of one court of Dale, & of another in Sale, and the tenant holdeth of the lord of the manner of Dale, and suite to the same, and it is agreed betwixt the lord and the tenant, that the tenant shal make suite to the court of þe manner of Sale, for þe suit due to þe court of þe manner

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maner of Dale, the lord in this case may distraine his tenant to make the suit to the court of Dale, as he ought, for the suit abideth all times due to the court of Dale. And the same law is, if the lord by agreement take ii. s. of rent by the yeare, in allowaunce of suit, and so is seised by the space of xl. yeares, & at the last the ii. s. are behinde, & the lord demaundeth his suite. in these cases the ternaunt maye not maintaine a writ of Contra formam feoffamenti, against the lord. *M. 3. C. 2.*

A writ of Heane.

R. Ex vii salutem. Recipe A. quod iuste & acquietet B. de seruii quod C. ab eo exegit de libero testio suo quod de prefat A. tenet in M. unde idem A. qui medius est inter eos ipsum acquietare debet ut dicitur. Et unde queritur quod pro defectu eius distringitur, & nisi fecerit &c. teste &c.

This writte lieth where there are Lord & Heane and tenant, and the lord distraineth the tenant for the services, that the mean ought to doe to the lord going out of the land, than shall the ternaunt haue this writte against his Heane. And if the ternaunt haue any writting making mencion of any acquittall, or finall concorde of his nexte meane of whom he claimeth to holde the grounde, or of his auncestours, or any seison of any acquittall by the hande of the same meane or of his auncestours, if the mean do demaunde what

he hath to bind him to the acquittal: thā must
 he shew it. And after that the mean hath en-
 tred into the acquittal, for to acquite the re-
 nant of the seruices required by the chiefe
 lord, the same meane may haue another writ
 against his mean betwixt him & his lord. & so
 of every of them. And this writ of meane and
 writs of Customs and seruices aforesaide,
 shalbe pleaded, by the same delaies, as a writ
 of Trespas. And the proces in this writ is
 Somons, Attachement, and distresse. And
 day shalbe geuen before that the great dys-
 tress shalbee returned, so that ij. shire courtes
 may be holden and proclamaciō shalbe made
 in those ij. shire courts, that the meane shall
 come at the daye contained in the writte
 for to acquite the tenāt, and if he come not at
 the said day: than shal he lose the seruices of
 his tenant & shalbe foriudged of his seignory
 and the tenāt which bringeth this writ shall
 be immediate tenant to the chiefe lord, and
 shall do the same seruices and suites, as hys
 mean did to the said chiefe Lord. And that is
 geuen by the statute of Westm 2. ca. 9. whiche
 beginneth. Cum capitales domini &c. Neuer
 theles, the tenant shall not bee prohibited to
 sue the proces geuen by the common law. &
 is to say, Somons, Attachement, & Distres
 til the partie do come if it bee for his profite,
 for if the tenant holdeth of his meane, by lesse
 seruices than the mean holdeth of the chiefe
 lord, and the tenant sueth the proces geuen
 by

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by the statut, & the meane is foriudged of his
 feigntoze: than must the tenaunt doe & same
 seruices to y chief lord y the mean did, which
 were greuous to the tenat, and therfore may
 the tenant chose, which of the two processe
 he will sue in this case. And by the same sta-
 tute this processe aforesaid, nor this foriudge-
 ing is not genen, where there be many & sun-
 dry meanes betwixt the superior lord, & the
 inferior tenant, but in case wher ther is one
 ly one mean. And also this foriudgeing is not
 geuen of right, but onely for the tenat of fee
 simple against the Meane of fee simple. Ne-
 uerthelesse at y comon law, ther was a writ
 of Meane for y tenat in taile, and tenaunt for
 terme of life, and y is proued by the said sta-
 tute, wher it is said. Pro tenente in dote per
 legem Anglie, & ad terminum vite, vel y leu-
 dum talliatum nondum est remediū prouisi-
 &c. but that is to be vnderstanded, y remedy
 as concerning the foreiudger, is not ordeined
 for such tenants, but the tenant may haue a
 writ of Meane, as it doth appeare by y same
 statut. And note ye that a writ of mean may
 be pleaded in the shyre court befor Justices
 of the comon place, or Justices of Bier, nor
 the distresses shal not cease vpon the tenant
 thought the writ were purchased vpon the
 Meane, because the chiefe lord hath alwaies
 his recourse to his fee, for to distraine for his
 customes & seruices with arrerages of the
 sac. And note ye, y a mā may haue acquitance
 of

of seruices in diuers maners. s. by deed, or be-
 cause y^e the Meane is seised of such seruices
 by the hand of the tenant, as the chief lord de-
 maundeth to him, or because the Meane and
 his aunccestors hath acquitted the tenant and
 his alicestors at al times, or because he doth
 hold of him in Frank marriage, or in dower,
 or in Frankalmoigne. And note ye, that in
 case the Meane be ready to acquite y^e tenant
 of y^e seruices due to y^e chiefe lord, & y^e chiefe
 lord doth distraine the tenant, for the same
 seruices, than shal the tenant haue a writ di-
 rected to the shirife of the same shire reher-
 sing, how that the Meane is ready &c. com-
 maunding him, y^e he shal not suffer the tenant
 nor the meane to be distrained by the sayde
 lord, nor otherwise to be vexed by reason ther
 of. And note ye, that if the Meane do commit
 a felony, for y^e which he is attainted, in this
 case thinfertor tenant shal become immedi-
 ate tenant to y^e chiefe lord of suche seruices
 as he did to the Meane. And note ye, y^e this
 writ may be remoued out of the shire courts
 into y^e common place by a Pone.

¶ Addition.

¶ Note ye that equalnes, or ouelty of seru-
 ces is, wher the tenat holdeth an acre of lād
 of y^e mean, by vi. s. & y^e mean holdeth y^e same
 acre ouer by vi. s. that is good oueltye, for y^e,
 that the tenant holdeth by that. that y^e mean
 holdeth and moze, but if the meane holde by
 moze seruices than the tenat holdeth of him y^e
 shall

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shal not be said ouelty of seruices. **P. 4. H. 6.**

CAnd it is not conuenient for the plaintife to shew the certaintie of the tenure betwixte the Meane and the Lozde aboue, for than shall folow, that the tenure betwixt \bar{y} meane & \bar{y} lozde aboue shalbe tried betwixt the mean and the tenant, and that shalbee no reason if the plaintif declare that he holdeth of \bar{y} mean in Frankalmoigne, and that he & his auncestours hath acquitted him and his predecessors time out of memorie &c. this declaracion is not double for the frankalmoigne is no cause of the acquittal, except that he shew the gift. s. how the defendaunt and his auncestours, which gaue in frankalmoigne, which is good cause of acquittal about more, or to prescribe, that hee and his auncestours hath vsed to acquite the plaintife, by reason of Frankalmoing, & he haue not prescribed in Frankalmoigne, and hath not shewed the beginnings of the gifte, but hath shewed the prescription generall, the which is good cause, and the other is but voide, if the plaintif prescribe, that the defendaunt ought him to acquite agaynst the Lozde paramount, and all other, and it is founde for the plaintife, that the defendaunt ought him to acquite against the lozde, this prescription of acquittal against all the other is voide. **An. 39. H. 6.**

CIf the plaintife declare that he is distrained by one D. for seruices of the Meane. & \bar{y} the meane holdeth of D. where there is two lozdes,

lordes betwixt the Heane & D. & defendat
may pleade in abatement of & declaracion, & he
holdeth not of D. P. 44. C. 3.

¶ The lord & Heane, and tenaunt, are, and
the meane bindethe himsele by fine, to ac-
quite the tenaunt against the lord and hys
heires, the lord taketh a wife, & hath issue
and dieth, the wife is endowd of the seyg-
niourp. & distreined & tenaunt perauaile for the
seruices of & meane, in this case & mean shal
acquite & tenaunt against the wife: tenant in
dower, though & he be no heire to the lord,
for that, & the reuerfion of the seruices is to
the heire. D. 31. C. 1.

¶ The lord & Heane, and tenaunt are, the
lord distreined the tenaunt perauaile for re-
lease after & death of his father, in thys case
& Heane is not bound to acquite him against
the lord, for that, & the answer & should dis-
charge him liethe naturallye in his mowthe.
D. 17. C. 3.

¶ The lord and tenaunt are, and the tenat
maketh a lease for terme of life, yelding cer-
tain rent, and the lord distreined the lessee,
for the seruices of the tenaunt, and the lessee
bringeth a writte of Heane, the defendaunt
shal saye, that the pleintife hath nothinge
but for terme of life, and he shal not shew of
whose lease, indgement &c. It is convenient
for the pleintife to maintaine that hee hath
fee, otherwise the writte shal abate, for that,
that the writ lieth not, for tenant for terme
of life.

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of life, but a writ of couenaunt, and to saye that he holdeth of the lease of the defendaunt the reuerſion to hym that wyll make noe iſſue. *E. 17. C. 3.*

The lord meane being a woman and ſ tenant, the meane bindeth her ſelf to acquite the tenant and after taketh a husbände and hath iſſue, and the tenant releaſeth to the husband, that he nor his heires ſhal not be bound to acquitall, the husband & the wiſe dyeth, the tennaunt parauaile byzinger the a wiſe of mean againſt the iſſue as heir to his mother & he pleadeth this releaſe in barre, & it was holden that hee ſhall not be barred, for that, that the defendaunt is bound as heire to hys mother. *D. 38. C. 3.*

The lord meane and tenant are, & meane doth graunt, by ſpene the ſeruiſes of his tenat to a ſtraunger in ſee, to whom the tennaunt parauaile dothe not atturue, the grauntour doth take a wiſe, and taketh eſtate to hym & to his wiſe and to the heires of the bodye of ſ wiſe, & for default of ſuche iſſue, ſ remayneth to the right heires of the husband, & they haue iſſue a ſonne & ſ husband dyeth, in this caſe ſ ſonne ſhalbe charged of ſ acquitall, in ſ writ of meane, if he may not auerre, ſ the tenant attourned to ſ graunt & the wiſe ſhall not be charged. *D. 40. C. 3.*

The lord, meane, and tennaunt are, the tenant is a woman, & taketh a husband which are diſtreined for ſ ſeruiſes of the meane, in this

this case & husbände, & the wife shall haue a writ of *Deane* against & meane, & they shall declare & the wife is distreined, aswel as the husband supposing & the wife hath pperpe of & goods during & espousalls, & yet & declaration is good. *D. 24. C. 2.*

C Note ye, & a fore iudgement against & husband & the wife, is not void, but error, for he shall not haue a *Cui in iura*. *D. 9. C. 2.*

C In a writ of *Deane* supposing that he is distreined, by one *R.* whereof the defendante is meane, the defendante said & another tyme the pteintife brought a writ of meane against him, supposing & he is distreined by one *W.* in & same land & that wee are meane betwixt them, so supposeth he & *W.* hath & seigniorie, iudgement of & writ & supposeth *R.* to haue the seigniorie, and not allowed, for if there be two or three lordes euery one aboue other, if anye of them distreine the tenaunt parauaile, his suite is against his *Deane*, and he shall haue a writ ouer, and so his plee is no plee to the writ. *D. 29. C. 3.*

C The lord of a hundred, meane & tenaunt are, the tenaunt both holde of the meane by homage, and escuage, the lord demandeth suite to his hundred, of the tenaunt parauaile, in this case the tenaunt shal not haue a writ of *Deane*, for as concerning the suit to & hundred of the lord shal aduowse vnto him & is tenant of & land for other wise he may not do, not standinge there is meane betwixt them, &

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for suite that is due, by reason of the resistance, the meane shall not acquyte hym.

W. 4. C. 3.

If the lord paramount of whō the mean holdeth, dieth, hāging this writ, the writ shall not abate for that, that the writ was wel purchased at one time, & it is no reason the writ shall abate, by the death of the lord that is a stranger, if it shall be ples to say the lord is dead, it shall be to the actiō, for the tenant shall have no remedy by a writ of Meane: of the distress taken in the life of the lord but of a forstuder otherwise is, for there the writ shall abate by the death of the lord paramount, for that, the tenant may not be attendant to a dead persone. **C. 4. D. 6. C. 13. C. 3.**

If the tenant do sel the meanalty by spyn hanging a writ of Meane, and the tenant sueth forth his writ & forstuder his meane, notwithstanding this alienacion or sale, the tenant shall be attendant to the chiefe lord, and the graūt of meanalty, shall not charge the tenant to attorne. **D. 34. C. 3.**

If the tenant be distreined for suche services that the tenant holdeth of the meane, hee shall have a writ of meane maintainment without any notice made to the meane, but if hee be distreined for other services, then the tenant holdeth of the meane, then hee ought to make knowledge to the meane, & after such knowledge, he shall have a writ of meane, & not afores. **An. 15. D. 6.**

C. Notes

Note ye: ¶ in a writ of Meane, ¶ quantity of the seruices shal not make issue, as if the pleintif declare that hee holdeth .xx. acres of land of the defendant by certaine seruices, & sheweth which & how hee holdeth ouer by many other seruices, & howe the pleintife is distreined the defendant shall say, ¶ the pleintife holdeth .x. acres of ¶ .xx. acres by certaine seruices, & shew whiche & by many other mo seruices, that the pleintife hath not supposed & ¶ hee holdeth these other .x. acres by other seruices, then the pleintif hath declared, and demanded iudgement of the declaration, now ¶ pleintife shal say by protestation not knowing .xx. acres are holden by many other seruices, as hath been alledged, but ¶ they are holden by one whole seruice in ¶ maner &c. Quod nota. Da. 2. B. 5. E. 16 E. 3.

Tenant for terme of lyfe, the tenat shal not haue a writ of meane against the meane, for he is not tenant to him, but to him in the reuerſiō: but if he be distreined for homage, he shal haue a writ of meane for he may not do homage. M. 21. E. 3.

But tenaunt for terme of lyfe, or tenaunt where the remainder is ouer in fee, hee shall haue a writte of meane agaynst the meane. The same law is of tenant in dower. E. 17 E. 3. An. 15. B. 6.

If tenaunt by the courtely bee of a meanlyte, the tenaunt parauale shal not haue a writte of meane against hym in the reuerſiō,
M. 19. lion,

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upon, leaueinge the tenaunt by the courtsey.

H. 14. C. 2.

The defendaunt in a wyte of meane sayth that where the playntife hath declared that he holdeth of rice, and I ouer C. B. I. saye that I. holdeth of C. B. as in righte of his wyfe, and it is thought that it is a good plee, for otherwise if the tenaunt ought to recover by this wyte, the meane shalbe charged to twoe acquytales, the one by estopple, and the other because of the meanalty agaisst C. B. and his wyfe, as in the righte of his wyfe, H. 22. C. 4.

If the lord distreine the beasts of his tenaunt where there is a meane, the meane maye put his beasts into the pounde in gage, for the beasts of the tenaunt, and shal haue a repleuin, and pleade with y lord and so euerie estate saued, and if the meane refuse to helpe his tenaunt by this manner the tenaunt shal haue a wyte of Meane vpon y special matter. An. 6. H. 4.

In a wyte of meane it is no good declaration, to say that the defendaunt, and his auncestours hath acquitted the playntif and his auncestours, and those whose estate hee hath, but hee shal saye that he holdeth of him by homage, fealty, a certain ret of which seruices he is seised, & sayeth y hee & his auncestours hath acquied y pleintife & his auncestours, tyme out of mynde &c. C. 11. C. 3.

A wyte de Querela frisca for.

Cura

Caria dñi regis apud w. in guilhaldia eiusd
 ville secundum consuetudinem ville illius
 ac libertatem burgens. ville illius per diuer-
 sos reges Anglⁱ cont^e & per dñm regem nūc
 confirmat, coram Johanne S. & A. C. bailⁱ
 villⁱ predicte die lune prox. post festum sancti
 Bar. apostoli, an. regni. E. 4. 9. ad hanc cū
 venit T. abbas sancti Petri de Wyde, iuxta
 w. in ppria psona sua, & queritur ver^o Tho-
 mani L. capellani Cantuarⁱ beate Marie
 virginis in ecclesia sancti Petri in L. d. p^{ri}mo
 assise fruce forcie, dicendo quod idē Thom^{as}
 L. iniuste & sine iudicio, ac vi recētⁱ dissilistⁱ,
 eū de libero tenemēto suo in w. post primam
 transse domini H. filij regis Johānis in vas
 con & infra quereatenam & c. inuenit plegi. de
 prof. qrelam suā J. H. et J. S. Ideo secūd^o
 consuetudinem villⁱ predicte preceptū est R.
 f. et R. w. seruientibus domini regis ad cla-
 uas in eadem villa et ministris cū predic^t
 quod rescit. fac^t tenemēt^u predictū de catallis
 q^u i ipso cap^t fuet & ipm tenemēt^u cū catallis
 esse in pace vsq^{ue} ad pr. cū corā maiore & hal-
 luis ciuitatis p^{ro} in Guilhald^o p^{ro}dicta tali die
 pr. futur^u tenēd^u. Et interim fac^t. xij. liberos &
 legales homines de vill^a p^{ro} infra p^{ro}dictū li-
 bertatis vill^e p^{ro} videre ten^u illud & nomina
 eorū inbēriari. Et q^u sum^u eos p^{ro} bonos sum^u q^u
 tūc sint parati inde fac^t recogn^u. Et q^u poñ p^{ro}
 hab^u & saluos plegios p^{ro}dict^u T. vel balliuum
 suū si ipse inuent^u nō fuerit q^u tūc sic hic au-
 ditur illā recogn^u. Et q^u tūc habeāt hic sum^u
 nomina

M. liij.

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nomina pleg. &c. Et sup hoc idē abbas posuit
it loco suo. **I. H.** versus **T. S.** de p̄dicto pla
cito ad quē diem p̄stat seruiciū ref hīc panel
lū de nominib⁹ recogn quod hīc rotulo est
consuet. Et testantur quod eidē recogn sum
sunt per Adam Pye & R. S. quorum vterq;
manucapitur per Iohannem Done. **R. S.**
T. J. & T. S.

T Hys wyte lyethe in case where a man is
disseised of tenements that are deuylable,
as in the cite of London oz other bozoughe
oz towne & is fraunchised, then the disseysie
shall come in the court of such a towne, that
is in fraunchised &c. And entre his plaint,
wherein he shal shew how he is disseised, &
vpon that shal xij. men say their verdicts in
like manner as in Aulse of Nouel disseysin.
And know that the cause why that it is cal
led freshe force, is for that, that if the disseisie
cause not his pleint to be entred, nor recou
red within. xl. dayes, he shalbe put to his re
covery at the comon lawe. & to Aulse of no
uel disseysin (Et ideo quere). And if & Mayor
& the ministers of the court will not award
execucion of & iudgement of this freshe force,
then the party pursuāt, oz pleintif shal haue
this writ folowing to haue execucion after
the fourme of this pleint, & shalbe directed to
the bailifes of the same towne. And & wyte
of execucion is such.

R Ex balliuis **J. de C.** salutem. Preceptim⁹
vobis qd execucionem iudicij nup reddit

in casu nra de S. sine bñ nro inf A. & B. de
quad frisca forcia eid A. p pñat B. in B. fa-
cet de dñe sine dilat fiet fañ C. & c. Et sicut
alias & cñ plures if neede bee & c.

¶ Itē sōit de Ex graui querela.

R Ex maior & dñe London saluf. Ex gra-
ui querela J. filie E. et W. sororis eiusdē
J. accepimus qd cum secundum cons. in ead
ciuitate hactenus obtentam et approbatam
liceat vnicuique ciui eiusdem ciuitatis ten sua
in eadem ciuitate in testamēto suo in vltima
voluntate sua tanquā catalla sua legat cui-
cunque voluerit ac S. ciuis ciuitatis pñcte
sui. mesuag. cum pertisi in eadem ciuitate in
testamento suo & vltima voluntate sua. Et
habend sibi & heñ suis de corpore suo exeunt
legasset R. & D. brozi eius duo mel. et tres
shopas inde pñfatis J. W. filiabus & hered
eius R. detisi minus iuste in ipsozum J. et
W. dispendium non mod & grauamen. Et qd
eisdem iniuriari nolumus in hac parte vobis
pñcipimus qd vocatis coram vobis ptibus
pñct auditisqz hñc inde earum rationibus
inspecto que tenoñ testamēti pñdicti, eisdem
J. et W. fieri fañ debitum et festum iusticie
complementum prout de iure & secundum cō-
suetudinem pñdictam fuerit ifaciend & hac-
ten⁹ in casu consimili fieri cōsuevit, teste & c.
This sōitē lyeth where a man is seised of
certain landes oz tenements in fee with-
in a citie, towne, oz bozough, which lands oz
customs

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customs are deuisable, and hee by his testa-
ment deuise to a man the sayde tenementes,
and dyeth, if his heire or anye other man en-
tre in the sayde landes or tenementes so de-
uised, then the deuisee or his heire shal haue
the sayde wryte againste the heire of the de-
uisour, or agaynst anye other man that aba-
ted, not regardinge in what manner degree
that hee is in, after the deuise made, yf the
deuisour dieth, the deuisee not aduulied in y
lyfe of the deuisour, And knowe yee: that
this wryte shal neuer bee pleaded afore the
kings Iustices, but at times afore y^e Maior
and the bayliffes of the Citie or borough, or
afore the bayliffes where there is no Maior,
or afore the bayliffes of any towne, or afore
bayliffes of fec, or seignioz where there is
such vsage. And knowe yee: that no freehold
may bee deuised, but where suche vsage is,
for euery deuise of freeholde is againste the
common lawe, but the lawe suffers such de-
uises to bee made because of suche vsage of
so longe tyme vsed. And the proces is such,
that the tenant shalbe somoned to be afore
the Maire & the bayliffes at a certayne daye
to shew wherfore y^e other ought not to haue
execucion, and yf hee can nothing say against
hym, then the demaundaunt shal haue exe-
cucion.

Addicion.

Note ye what deuises are good, & what
not, and who shal deuise, & of what thing,
and

and who shal haue aduantage of the deuise.

M. 22. C. 3.

If land be deuised to a man by testament without shewing what estate he shal haue, he hath nothing but for terme of life.

Note pce: that the husband maye deuise lande in fee or for terme of lyfe to his wife.

M. 3. C. 2.

A woman may not deuise lande by her testament to her husbände, for because shre may not make testamēt but by the assent of her husband, & that is the deede of the husbände to make estate to himselfe which is againste the lawe. *An. 3. C. 3. Item Note.*

Land deuisable is geuen to the husband & his wife, & y^e heire of ther two bodiees begotten, & for default of such issue to remaine to the right heires of y^e husband, the husbände deuised the same remainder to his wyfe that is tenant in taile, & dieth without issue betwixt thē, this deuise of remainder is good.

An. 27. C. 3. Li. ass. pl. to. 40.

A woman seised of certaine lande deuisable take a husbände and hath issue, & y^e wyfe deuise the lande to her husband & dieth, now he shalbe iudged in. as tenant by y^e courtesye, & not as tenant by force of the deuise, for the freeholde beginneth in him afoze y^e deuylce.

M. 29. C. 3.

A man deuylsed landes for terme of lyfe & deuised further y^e his executors should sell the reuercion & dieth, y^e executors solde the reuercion

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reuercion without deede, for because that is but a contract and the reuercion passeth by the auctoritie of the devisee and the testamēt is the cause that the reuercion passeth for if a man make a priest his executour, and devised that his executour shal sell the reuercion, that is good without deede, for otherwise it shal neuer take effect, for a priest may make no deede that shall binde him and a fine hee may not leaue for that that he hath nothing in that. *M. 19. H. 6.*

A wife of the assent and will of her husbande maketh a testament & devised by the same halfe & goods of the husband & maketh her executours, who proueth & testamēt by the assent & will of the husband that is a good devise. *M. 5. E. 3. D. 39. E. 3.*

If a man devise lande whereof he is not seised, if after hee purchase the land, the devise is good. *M. 26. H. 6.*

Note ye: if lande be devised to a man and to his heires males of his body, and he hath issue a daughter whiche hath issue a sonne, the sonne shal enherite, & yet of a gift otherwise is. *H. 7. H. 6.*

Note pee that the kinge maye not devise land by testament, nor giue nothing but that & he hath in possession, by *For. M. 37. H. 6.*

Note ye: executours may pay the debts, afore any devise perfourmed.

It is said that there is diuersity betwixt a graunt and a devise, for if one devise lande
to me

to mee for euer, or to anye assignes for euer
 &c. and speaketh nothinge of his heires &c. &
 are wordes of enheritaunce, yet the deuise
 is good to take effect in the deuise as a fee
 simple, for that & his will & intent shalbe ta-
 ken in this case &c. *C. 2. B. 6. M. 18. B. 6.*

If a man deuise goods & dieth, the devisees
 may not take goods without livery of & ex-
 ecutors. *M. 37 B. 6.*

If a mā deuise a booke, or any other thig
 to one for terme of life, and after his decease
 the reuercion to another for euer, if the exe-
 cutors deliuer the goods to the first devisee
 & after & deliuer the devisee dieth, then the
 second devisee may seise the goods without
 livery of executors, for possession of & first
 is the possession of bothe, which was deny-
 ed by some men, therefore enquire the lawe.
C. 37. B. 6.

If two jointenaunts are, and the one de-
 uise al that, that to hym belongethe, to a
 stranger and dyethe, thys deuise is voyde.
Causa patet &c.

¶ In writ de Cōi custodia.

*R*ex viē salutē. Dicit A. quod iuste & iū-
 dilatione reddat B. custodiam terre he-
 redi D. & C. que ad ipsum B. pertinet eo
 quod predictus D. terram suam de eo te-
 nuit per seruiciū militare ut dicit et iū-
 ret et predictus B. fecerit &c. tunc sum &c.
Teste &c.

¶ Thys

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This writ lieth where a man holdeth lands
or tenementes of another by knights ser-
vice, and the tenaunt dyed, his heire within
age, a straunger entreth in the landes & ob-
taine the warde of the body, then the lord of
whom this lande is holden, shal haue y^e said
wryte. And the proces is in this writ, So-
mons, Attacheinent, and two distresses and
day shalbe geuen afoze the seconde distress
returnd y^e thre shire courtes may he holde.
And this proces is geuen by the statute of
Westm. 2. Cap. 34. which beginneth. De pu-
eris siue masculis &c. And with that agreed
Marl. cap. 7. which beginneth. In plito vero
de coi custodia &c. As to the distresse, but not
to the proclamation. And also wil y^e said sta-
tute, that if the defendasit come not at y^e pro-
clamacions made in the thre counties, the
pleintife shal recover the warde for y^e tyme,
saunge another tyme the righte of the de-
fendaunt when hee will speake. And also if
the warde belonge to the lord by reason of
a warde that hee hath in possession, & a strā-
ger obtaine the same warde the lord shal
haue the said writ, but the comon proces is,
as afoze was vsed in the comon lawe, and
the lord shal holde the warde by reason of
the warde until his full age, and this is the
cause, for that that it is a chatel in him, & he
is thereof seised, & he may not be put oute of
possession afoze y^e full age of the heire. And
know ye: that if the gardein make waste in
any

any parte of the warde, hee shall lose y ward
and ouer that he shall paye damages to the
infant, and if the warde losse sufficed not to
the value of the dammages afore the age of
the heire he shall make greent of y remenat.
And that will the statute of Gloz. Capit. 5.
In the middes whiche beginneth. Ensemēt
est puruē et c.

**¶ Writ de Intrusion de
garde.**

Rex vobis salutē. Si A. fecit te et c. tunc sum
et c. B. filii, et heri D. qd sit corā et c. ostensū
quare cū custodia terrē et heri ipsius D. ad ip-
sum A. usque ad legitimam etatem predicti
heri pertinet ratione dimissionis quā A. D. W.
de quo predictus D. terram suam tenuit p
seruiciam militare, inde fecit predicto A. et
eidem B. infra etatem existens se in frām p-
dictā intrusit et custodiā illā a prefato A. ad
huc detinet ad graue dampnum ipsius A. ut
dicit. Et habeas ibi sum et hoc breue et c.
teste et c.

Thys writ lyeth where the infant within
age entred in his landes and holdeth hys
lorde oute, the lorde shal not haue y foresaide
writ de Cōi custodia, But this writ of In-
trusion of warde.

¶ Addicion.

Cote ye: y an Abbot shal haue this writ
of Intrusion of an Intrusiō made in y time
of his predecessour, et he shal make mēciō in
his

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his writ & the greet was not made to his
predecessour nor to him. C. 11. h. 4.

¶ A writ for the valure of the ma-
riage.

R Ex viē salutē. Si A. fecerit te secutū &c.
tunc sum B. et heres C. &c. ostens. quare
cum maritagium predictū B. ad predictum
A. pertinet, eo quod predictus C. terram su-
am de eo tenuit per seruiciū militatū & eidē
A. predictū B. dum infra etatem fuit compos-
tens maritagium obtulerit eidem B. mari-
tagium renuens prefato A. de maritagio suo
nec satisfaccionem & satisfacere contradicit
ad graue dampnum ipsius A. et contra for-
mam statuti predicti, ut dicit. Et habeas
&c. Teste &c.

This writ lyeth where the lord profereth
cōuenable marriage to & Infant without
dispargement, and hee refuse, the lord shall
haue this writ, whereby he shall recouer &
single value of the marriage &c.

¶ A writ of forlapture of marriage.

R Ex viē salutem. Si B. de A. fecerit te se-
cutū de clām suo &c. tunc sum &c. C. filium
et heres D. quod sit &c. ostens. quare cū ma-
ritagium ipsius C. vna cum custodia duce-
tarum acrat terre cum pertisi in R. ad ipsum
A. ptineat racione dimissionis. F. cui C. eū
dimisit de quo predictus D. terram suam te-
net per seruiciū militare inde fecit prefato
A. & eidem

A. & eidem **A.** prefato **C.** dum infra etatem
fuit competens maritagiū absque vlla dis-
paragatione, iuxta formam statuti de com-
muni consilio regni nostri inde prouisi septi-
us obtulerit, idē **C.** maritagiū illud recusās
vel sine licencia & voluntate ipsius **A.** mari-
taf fecit et se in terram predictam prefato **A.**
pro maritagio suo non satisfacto violent in-
trusit de maritagio predicto eidem **A.** satisfac-
ere contradicit, ad graue dampnū ipsi⁹ **A.**
& contra formam statuti p̄dicti vt dicit. Et
habeas ibi sum &c. teste &c.

This wypte is geuen by the statute of
Morton. Cap. 6. and lieth where y lord
profereth Contenable mariage to the infāt
wythout dispergement and he refuse, and he
being within age mary hym selfe, in this case
the lord shall haue the wyte of Forfaiture
of maryage and recouer the double value.
And yf this gardeine hath recouered the va-
lue of the mariage againste the rauishour,
if hee profer to the heire a conuenient mari-
age and hee refuse to bee married, and after
mary him selfe, y lord shall not recouer the
double value of the mariage, for that, that he
tooke the value of the mariage of the rauy-
shour. And if y heire that is rauished be ma-
ried without assent of the rauishment, & af-
ter y gardein reconereth the value of y ma-
riage againste the rauishour, in this case the
rauishour shal not haue this wyte of For-
faiture of mariage against the heire, for the

P. i.

heire

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heire may pleade & hee hath noe right of the
seigniorie, nor the lord shall not have a writte
of Forfeiture of mariage, for that, that hee
hath receiued & value of the mariage against
the ransbour. Note ye & some mens opiniō
is & a writ of Forfeiture of mariage, nor the
value of the mariage is not geuen to & lord,
where he hath & land in his hande, by reason
of which he hath the wardship, but if & heire
abate in the land at his ful age afore that he
hath agreed with the lord for his mariage,
he shal haue & saide writ, for & is mencioned
of in the writ, but in case & hee hath not the
wardship of the land, he shal haue the writte
aforesaid, for there shal bec no mēcion made
of & abatement of & heire into the land.

¶ Addicion.

¶ Land was geuen to the husband and his
wife, & to the heires of their two bodies be-
gotten, and hath issue a sonne, the husbände
dyeth, and after the wife dyeth and the lord
seyle the warde, and profer to him marpage,
the which he refuseth and marieth himselfe,
and at his full age he etred in his land with
out greement made to the lord, the lord byin-
geth a writ de Quare se intrusit maritagio non sa-
tisfacto, in the which writ he did suppose that
the dendant was heire to his father, where
& mother suruiued and the defendāt pleaded
that, in abatement of the writ, and the writ
was awarded good: for that, that it is in the
personalty, & it is a personal wrong made by
him

hūm selfe to which he ought to answer. And
the gardein shal reconer the double value of
the mariage. H. 14. C. 3.

C writ de Rausshment de gard.

R Ex viē salutem. Si A. de B. & C. vx. ei⁹
fecerint &c. tunc pone &c. quod sit coram
Iusticiē nris ad p̄tiam assisam &c. ostensum
quare J. filiū & heredē H. infra etatem exist
entē cuius maritagium ad ipsos A. & C. per
tinet apud W. inuentū rapuit & abduxit cō
tra voluntatem ipsorum A. & C. & contra pa
cem nostram.

C Et si heres sit in eod comitat⁹, tūc addat
ista clausula. Et interim diligēt inquiras
vbi ille hēs est in balli tua, & ipsū vbiq⁹ que
innēt⁹ fuerit cepias & saluo & secure custod⁹,
ita quod cum habeas ad p̄fatā assisā coram
p̄fatis Iusticiarijs vel corā nobis ad p̄fatū
terminū. vel corā p̄fat Iusticiē nris ad p̄dictū diē
ad reddendum cui vel quib⁹ dictorū A. & C.
J. reddit debet. Et habeas ibi nomina pleg.
& hoc bene teste &c.

O Stensum quare cū custodia Juliane filie
vni⁹ hē G. ad ipsū B. pertineat ratione
vendicionis qd A. d. C. de quo p̄dict⁹ G. frā
suā tenuit p̄ seruiciū militare, inde fecit eidē
A. p̄dict⁹ B. & C. p̄dictam Julianā infra
etate in custodia ipsius A. apud N. existēti
vi & armis raperunt & abduxerunt, & bona,
& catalla ipsi⁹ A. ad valentē &c. ibidē inuent⁹
ceperunt & asport⁹ &c.

N. ij.

Thys

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This writ lyeth in case where any lord is in possession of the wardship of the land, & of the body, and a straunger rauisheth the body of the infant without any other thing, the lord shall not haue the foresayde writte: *De Cōi custodia*; but this writte of *Warrishment* of warde, that supposeth the infant to be raniſhed with force and armes. And for that the proces is as is contained in þe foresayde statute, þe is to say *Homons*, *attachement*, & *distres*, & for default of distres proces of *viſlayn*, as in a writ of *Trespas*.

And note ye: that when the heire is raniſhed in one countrey and brought in another countrey, then the lord ſhal haue ſuch a writ, the which is geuen by the statute, of *weſtm 2. Capitulo. 15.* which beginneth. *De pueris masculis, ſive femellis quozam maritagium &c.*

R *Ex viſ ſalut. Queſt⁹ eſt A. qđ B. nup de C. filium & heredē J. infra etatē & in custodia ſua apđ M. in cōm L. exiſtent rapuit & de cōm illo ad talem locū in cōm tuo abduxit contra voluntatem ipſius A. & contra pacē nrām. Et ideo tibi p̄cipim⁹ qđ predict⁹ C. vbicunq; in balliua tua inuenit poteris capi as ſaluo & ſecur⁹ cuſtod, ita qđ cum habeas coram J. nſit talidie ad r̄ndendum cui predict⁹ A. & B. reddi debeat &c.*

De herede abducto fiat tale breue.

R *ex &c. Oſtenſum quare cum custodia terē & heredis ad ipſum A. pertinet eo qđ predic⁹*

cus D. terē suam &c. Et idem A. in plena & pacifica seilina &c. predictus D. filium & heredem &c.

¶ And y^e proces is, as is aforesaid in y^e writ of Rausshment of warde &c.

¶ And note ye: that if any man holde any landes or tenementes of any lord by knightz seruice and dieth, bys heire within age, the same lord maye enter in that warde of the land, & take the body of the heire. And if one tenant holde .ii. acres lande severally by severall seruices, the lord of whom the lande is holden by the auncient feoffment shal haue y^e ward of y^e body, & y^e is geuen by the statute of Westm. 2. Cap. 19.

And note ye, that there is two maners of writs of ward. The one is where a mā holdeth of another, lands by knightes seruyce. The other where hee holdethe in Socage. The wardship by knightes seruice belongeth to the chiefe lord of the fee. And the wardship in Socage belongeth to y^e next cosin, after y^e statute de wardis, to whom y^e heritage may not disceade. But in case y^e the mother be on liue & the heritage discead from y^e part of y^e father, & the heire be within age, the mother shal haue the wardship aswel of y^e land as of the body, & in y^e same maner shal y^e father haue & so shall other cosins & auncetors haue.

¶ And in case y^e the next frend be deforced of y^e ward, he shal haue this writ.

Pr. 19.

Rex

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R Ex viſe ſalutē. Hec A. qđ iuſte &c. reddo B. cuſtodiam tert & heredis C. que ad ipſum B. pertinet qđ p̄dictus C. terram ſuam tenuit in Socagio et p̄dictus B. eſt p̄opin- quior heres ipſius C. vt diſ. Et niſi fecerit &c. Teſte &c.

¶ And if the heire in Socage be rauiſhed and not married, then the gardayne ſhal haue this wzit.

R Ex viſe ſalutē. Si A. fecerit te &c. de &c. tunc pone &c. B. qđ ſit &c. coram Juſtiſ. oſtenſ. quare cum cuſtod tert et hered C. vſ. que ad legitimam etatem ipſius hered ad ip ſum pertinet eo quod p̄dict C. terram ſua tenuit in ſocagio: et p̄dict A. p̄opinquior eſt her ipſius C. infra etat, et in cuſtod ipſi? B. exiit apud P. in gent vi & armis cepit & abdux. & alia enozmia ei &c. vt in bzeu d trāſ greſſione.

¶ Alter qñ mariatur Rex &c. vi & armis ce- pit & abduxit &c. ipſū ſine licentia & volun- tate ipſius A. maritauit ad graue &c.

¶ And note pee: that a wzite of Raupſha- ment of Warde ſoz the gardyne in Socage is not geuen by the ſtatute of Weſt. 2. Cap. 35. which beginneth: De pueris &c. But ſoz that, that ſtatute of Weſtm. 2. Cap. 24. is qđ querentes non recedant a Cācellar ſine remedio: this wzit is genen by ſ cōmon cōſ- ſell of the chauncery, & the wzit was that he claimeth ſ Ward vntil he come to ful age, & ſ wzit was awarded good. Note pe: ſ gardē

ſhy

ship in forage may not be solde, H. 3. C. 2.

And note yee that a man may demaunde the wardship in three maners. One manner is when a man demaunde the wardship of y^e lande & of the body by wyte of ryght of ward, as afoze is saide. The second manner is, when one tenaunt holdeth of two lordes, of the one by priority, & of the other by posteriozitie: the lord of the posteriozitie maye not bring a writ of warbe of the land and y^e body: for the bodye belongeth to the lord of priority & there the lord of posteriozitye shal haue a writ of Electmēt de gard. The third maner is when a man hath the land and not the body. Then hee shal haue a wyte to demaunde the bodye withoute the lande, and that by thys wyte of Ranshmt of ward.

And note in case where the heire hath ben in ward of the lord, and the lord wyll not deliuer to hym hys landes at his full age. Then the heire shall haue Ayle of Mortdauncestour and recouer the lande with his damages: after that: that hee come to hys full age. As it appeareth by the statute of Mar. Capitulo. 16. whiche beginneth. Si heres aliquis &c.

And note ye: that if the infant bee maried in the life of his father, though that after the death of his father he is within age, and the wife of the heire dyed, the lord shal not haue the marriage for that: y^e he was one time married. In y^e same maner is if y^e lord mary the

R. iiij.

Infant

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Infant & his wife died, he being within age, the lord shall not have the marriage another tyme.

It is said that there is gardeine in right & Gardein in deede, for if the gardein in deede let the lande to a stranger for yeres a writ of Dower, or a writ of ward is not maintainable against him, but against y lord. Other wise is where the gardeine in right, or gardein in deede, lets his estate without wyrtynge vntill the full age of y infant, in which case the wyrt shall bee maynteyned against thole lesles.

And note: that if the heire hath been in ward, he shall pay no reliefe but wher his auncetour held of the king by knights service, or by fee ferme, y paieth knights service, the king shall have the ward of all the lands & y body, & when he cometh at his full age, hee shall pay reliefe to these other lords, after the quantite of his tenure, as it appeareth by y great Chartour, cap. 2. But y heire in frank Socage, whē he cometh to his full age after the death of his auncetour he shall double y rent y he was wont to pay to y lord & y shall be in place of relief. As it appeareth by y statute de wardis & releuijs. Cap. primo.

Note ye: that Socage may be saide in. iij. maners, that is to say, socage of free tenure, Socage of auncient tenure, & socage of base tenure. Socage of free tenure is where a man holdeth by free service of. xij. d. by yeres for

for al manner of seruice, or by other seruices
 yearelye. And in this Socage the next cosyn
 to the infant to whom the heritage maye not
 disced, shal haue the ward as it is aforesaid.
 Socage of auncient tenure is of land of aū-
 cient demeane where no writ original shalbe
 sued, but the writte of right, & is called Se-
 cundū cōsuetudinē manerij. Socage of base
 tenure, is of thole & holde in socage, and may
 haue none other writ but & Monstrauerūt &
 such Sokmen holdeth by no certain seruice,
 & for & are they not free sokmen.

A man shal haue a writte of R auishmēt of
 warde of the body notwithstanding that he
 was neuer in possession of the body: for main-
 tenant after the deathe of his tenant, the
 heire being within age, the possession of him
 is adiudged in the lord by the acte of the
 lawe.

If a man make a feoffment by deede or
 by fine of lands holden by knightes seruice,
 or suffer any recouere against him to his vse
 byō trust & dieth, his heire shal pay reliefe if
 he be of full age & that by the statute of An.
 4. 7. cap. 7.

Also if the tenant in socage make feoffment
 to his vse, the lord of whō the land is holdē
 after & death of his tenant, whereof no wyll
 is declared, shal haue this reliefe & thereof
 & al other dueties, as he ought to haue had,
 if the tenāt had died seised. And & by the sta-
 tute of An. 19. 7. cap. 15.

C Addicion.

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Addicion.

In a writte of Rauiſhment of warde &c. It was ſayde that if the tennaunt of a Byſhop die, his heire within age, and after the byſhop dyed and ſeyſe not the Infant in his life, the ſucceſſour may ſeiſe, or haue a writte of Rauiſhment of warde. And it was ſaid, that it is no plee in a writte of Rauiſhment of ward to ſay, ꝑ the aunceltour of the infāt held not of him, for whether hee holdethe of him or not, it ſhall not be lawſul for no man to rauish the warde from him without affirming title in himſelfe. D. 2. B. 4.

In a writte of Rauiſhment of warde the plaintife declareth ꝑ the father of the infant holdeth of him a maner by knightes ſeruiſe in D. &c. & ꝑ ꝑ defendant hath him rauished & in ꝑ writ ꝑ infant was made heire to hys father, becauſe ꝑ the father died ſeiſed of the ſaide maner in his demene as of fee. And ꝑ defendant alledged ꝑ ꝑ grandfather of the infant dyed later ſeiſed &c. ſo ought he to hane ben made heire to the grandfather, and not to the father, & ꝑ was no plee wout ſheewing ꝑ the grandfather died later ſeiſed by litle, for it may be ꝑ he was in by abatemen, & after the iſſue was taken, that the grandfather dyed later ſeyſed of fee, without that, that the father died ſeiſed of fee, and ꝑ plaintife mayntained that the father dyed ſeyſed of fee &c. D. 10. C. 3.

A writte of Rauiſhment of ward was brought

brought against .iiij. men & a woman, the enquest said þ the men were guilty of þ Raviſhment, & not the woman, but that ſhe married the infant to her daughter, & for þ was ſhee likewiſe adludged guilty as the other were, & the plaintife recovered the value of þ marriage without damages, & they awarded to priſon by the ſtatute of Weſtm. 2. Cap. 1. And it was demaunded of þ pleintif if they were ſufficient or not, & he ſaid that they were: for otherwiſe they ought to be awarded to perpetual priſon, or abiured the lande by þ ſame ſtatute. C. 8, E. 3.

CA writ de Eiectione custodie.

R Ex viſe ſalutem. Si A. fecerit &c. tunc ſum per bonos &c. B. qd ſit &c. tali die oſteſuſ quare custodia terre &c. heres D. una cum maritagio vſq; ad legitimā etatē eiꝝd heſ ad ipſum A. pertineat pro eo quod predict⁹ D. terram ſuam tenuit de eo per ſerviū militare. Et idem A. in plena et pacifica illa eiꝝdem custodia diu extiterit predictus B. ipſum A. a custodia illa vi et armis eiecit ac bona et catalla ſua ad valentē C. s. apd D. in uēſcepit & aſport & alia enormia &c. & cōtra, pacem nrām &c. teſte &c.

This writ lieth where the lord is put out of the wardſhip of the land that he hath in his poſſeſſiō, then þ lord ſhal haue þ ſaid writ againſt him þ putteth hi out. And know ye that

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that this writ of putting out of \bar{y} wardship
lyeth at all times, when the lord is put out
of the wardship of the land without \bar{y} body.
And a writ of Ranshment of warde lyeth
where the body is ranshed without the
lande. And a writ of right of warde lyeth
where hee is put out of both. And it is said,
that the gardeyne in Socage may maintein
this said writ and a writ of ranshment of
warde, but not writ of Ryght of warde.
By the Register a man maye haue a writ
of Ryght of warde, and also a writ of Ra-
nishment of ward by reason of a ward. And
know ye \bar{y} in a writ of right of warde the
proclamacion shal not be made afoze \bar{y} great
distresse returned, but in a writ of meane
in the great distresse, it shalbee comaunded
to the shirife that he make the proclamacion,
as is geuen by the statute of westm. cap. 9.
which beginneth, Cum capitali dñi &c. And
also by the same statute Cap. 35. whiche be-
ginneth, De pueris &c. will that in a writ of
right of warde proclamacion shal bee made
by default of the defendaunt, but by \bar{y} same
statute in a writ of ranshment of warde by
default of \bar{y} defēdant he shal make no pcla-
macions, but al times a distresse. And also
know ye: \bar{y} gardein in socage, is accōptable
at the full age of the infant as it is saide in a
writ of accompt, \bar{y} is to say, at. xxi. yeres, &
not afoze, but \bar{y} infāt shal haue his lād i his
own hāds whē he is of \bar{y} age of xiiij. yeres.
And

And note ye: of landes holdē by knights
 service, the statute of Mart. cap. 6. whiche
 beginneth. De his autem &c. will ſ where ſ
 heire is infeoffed, being ſ in age by his anna-
 cestour, that the lord shall not lose ſ ward-
 ship by reason of such feoffement made by
 ſuche Collusion. And also by a feoffement
 made by ſ cōdiciō by ſ aſiceſtour yelding to
 him & to his heires a great ſomme of money
 vnto a certaine terme, at the ende of whiche
 terme the heire may bee of full age, and then
 to entre into the lande, in this case the lord
 shall not lose the wardship, if he may proue
 by his ſ writ of right of warde that ſ tenant
 made the feoffement by collusion, and if hee
 profer to proue by the countrey, & by wy-
 ting, that the feoffement was made by col-
 lusion, he shall be receiued. It is ſaide that if
 lands be let for terme of life the remaynder
 to another in fee, & he in the remainder died,
 his heire within age, the lord shall not haue
 the wardship of him during the life of ſ te-
 naunt for terme of life, but if the tenaunt for
 terme of life die, the heire being within age,
 & enter into ſ lande by force of ſ remainder,
 now the lord shall haue the wardship: for
 that, that hee is as heire to his father. And
 in case ſ a man let lands and tenementes to
 another for terme of life ſauing the reuerſi-
 on to him & to his heires, if the leſſour dyed,
 his heire being within age, ſ lord shall haue
 ſ ward & marriage of the heir, notwithstanding
 that

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that he hath estate for terme of life, to holde
of the chiefe lord of the fee. And also if lande
be geuen to two, to y^e one in taile, & the other
for terme of life, if he in taile die his issue be-
ing within age, the lord shall not haue the
warde of the body: for that, that the tenaunt
for terme of life is tenant to the chiefe lord,
but after the death of the tenant for terme of
life the heire being within age, hee in the re-
uerſion ſhal haue the wardſhip & not y^e lord.
If the father be ſeiſed of certayne lands and
tenements, and hath iſſue a daughter with-
in age that is his heir, and marry her to a mā
of full age, & died, the lord ſhal not haue the
wardſhip: for that, that the huſbande is able
to make the ſeruices due by reaſon of y^e lād.
But in caſe that a man marie his daughter
being of full age to an infant & died, in this
caſe the lord ſhal haue the wardſhip. for the
wiſe may make no ſeruices during the ma-
riage: quere.

And note ye that all writs of warde excepte
this writ of putting oute of the wardſhyy,
may be pleaded in the countye: and remoued
into the common place by a pone. And where
the ſtatute of Weſtm. 2. cap. 16. which begin-
neth. In caſu &c. Will that if lands diſcende
from the party of y^e father holden of one mā
& other lands diſcend frō the part of the mo-
ther holden of another man, y^e lord of ſwhom
the land is holden by the firſt feoffemēt ſhal
haue the wardſhip and the marriage, but the
tenaunt

tenant by his feoffment may chaunge the
 prioritie & put into the posteriozitie. But it
 is saide if a man come to diuers landes hol-
 den of diuers lordes by one feoffment, hee
 that first may obtaine the warde of y^e bodye
 shall haue it, but if landes bee holden of the
 king by knights seruice, he shall haue y^e ward-
 ship aswel of y^e landes holden of other lordes
 by knyghtes seruice, as of anye other landes
 holden of him selfe, and also shall haue the
 marriage, hauinge noe regarde to the prior-
 itie, nor to the posteriozitie. As it appeareth
 by the kinges prerogative. cap. 1. And note
 ye: that it was iudged for the Earle of War-
 wicke. Anno. 20. E. 3. where the Earle was
 seised of an infant & of his landes: for that,
 that his auncestour died in his homage, wher
 other landes was descended to the same In-
 fant by another auncestour that was holden
 of the kinge by prioritie, or posteriozitie, in y^e
 one case, or other the kinge shall not haue the
 wardship of no landes, but of such landes
 holden of him selfe, nor the wardship of the
 bodye, & y^e cause is: for that, y^e the Earle was
 seised of the warde at one time by true title.
 And know ye: that if anye tenant died sei-
 sed of any landes holden by posteriozitie, the
 lord of whom the lande is so holden obtay-
 neth the wardship of the bodye: if after other
 lands descend of the same infāt, y^e are holdē
 of another lord by prioritie, the lord y^e firste
 obtained the warde shall not be put out of y^e
 wardship

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wardship by him of whom the ancestor of the heire holde by priority: for that, & it was a chatel one time in the possession of the lord of whom he helde by posterioritie. And note ye & if two coparceners bring a writ of ward & the one wil not pursue, the other shalbe received to pursue her right of the halfe of the land, and the whole body, otherwise 'is in al maner of accions personals, as trespass, det, covenant, or such like, the not suing of & one, shalbe the notsuing of the other. And note ye: that if an infant bee ravished and married by the ravishour to one whereby hee is dispersed, hee may forsake hys wife if he hath not knowen her carnallye before the age of xliij. yeres.

¶ Addition.

Note ye: that these woordes were in the said writ. Qu are custodiam terre & heredis, and it was challenged. for this writ properly hath relation to the land, & hee may have another writ for the body, & notwithstanding & writ was awarded good. C. 2. E. 1.

Note ye: that this said writ was brought of land and rēt, and was challenged for that the rent maye not bee holden, for the meane is tenaunt of the lande hauinge regarde to his lord and of him he holdeth the land and not the rent, for this writ of ward, & schett, & essauit, are not geuen of rent, but after of good will the defendaunt passethe ouer. Ideo quere. H. 13. E. 3.

¶ In

In this writ of putting out of the ward-
ship by reason of a demise, such a clause was
in the writ. Et blada sua apud H. nup cres-
cit in messuget & blada illa ac oia alia bona & ca-
talla ibide, inuēt ceper et asportauer contra
pacem, & for that. & this writ was graunted
vpon the right of the seignorie, & within y
same an accion of trespas against y peace co-
prehended so is there comprehended within
y same accion. ij. accions of diuers notures,
wherfore y writ abated. H. 11. C. 3.

If an infant being aboue the age of xiiij
yeares, make affiaunce in the life of his aun-
cestour, and after his auncestour died not
standing this affiaunce, the lord shall haue
the mariage. Also if the infant be married in
the life of his auncestour and the auncestour
& she to whom the infant was married died,
the infant being within xiiij. yeares: the lord
shall haue y marige, otherwise is if he were
past the age of xiiij. yeares at the time of the
death of his auncestour, or at the time of the
death of her to whom he was married, for by
the taking of the second wife he is made by-
gamous to which the lawe wil not constrain
him, but if the infant be married by the lord,
& she to whom hee is married dyeth he being
vnder the age of fouerteene yeare: quere if
the lord shall marie him another tyme.

D. 7. H. 6.

If the tenaunt that holdethe by knightes
seruice enter into religion his issue within
age.

D. 1.

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age, quere if þ lord shal haue the wardshyp during the natural life of the father for suche death maketh no discent, & taketh away any mans entre, nor such death entitleth no woman to haue dower during the natural lyfe of the husband.

¶ Writ of Escheit.

Rex hit sal. Prez A. qd iuste & sine dila^{te} redd C. r. acras fē cū ptiā in P. quas B. de eo tenuit & q̄ ad ipsū C. reuerti debēt tan quā escaeta sua, eo qd predictus B. bastard^{us} fuit & obiit sine hered, vt dīc̄ ec. alit̄ ratione feloñ quas de eo tenuit & ad ipsū C. reuerti debent tanquam escaeta sua eo quod p̄dictus B. feloñ fecit p̄o qua suspensus fuit vel vt- lagatus fuit vel sic, p̄o qua regnum nos- trum abiurauit. Et nisi fecerit tunc sum̄ ac. teste ec.

This writte maye bee formed in many ma- ners: for if the very tenant of any lord & holdeth any tenement of him without meane make felony, for the which hec is hanged, or forswere the kinges land, or if he bee behed- ded, or outlawed or vanquished by battayle to death, or if he be bastarde & dye wythoute heire of his body, or die without heire gene- ral, or special, then if any man enter in those lands or tenements, the chiefe lord of whom he holdeth after a pere & a day of the felonye made, may recover the tenements aforesayde by this writ of escheite, accordig to his case,
as

as it appeareth in y^e registre. And the proces
is in the writ. Somons, graunde cape, and
petit cape. And against the Inrouers venire
facias, Habeas corpora, and distresse. But if the
tenant in taile, tenaunt in dow^{er}, tenaunt by
curtesy, or tenaut for terme of life, make fe-
lony, for the whiche he is attainted, as is a-
foresaide, the king shal haue the Escheit du-
ring their liues, & after theire dethes, he in y^e
reuercion, shal sue to the king by petition, &
shal haue the saide landes out of the kinges
handes and not the lord by way of Eschete
for that, that the said tenants are not very
tenantes to the lord, for none is called very
tenaut, but tenaunt in fee simple. Nor hee in
the reuercion may not haue the land during
the life of such tenants for that, y^e the lande
is geuen to them by the lawe duringe their
liues w^out any such forfeiture to him in the
reuercion, but the king shal haue the land as
aboue is said, for the hapnous act comitted
against his law. And note pee, y^e in Magna
Charta. Cap. 22. which beginneith. Nos nō
tenebimus &c. Will y^e if the tenant in fee sim-
ple make felony &c. The king shal haue the
lands for a pere & a day, & after to be yelded
to the chiefe lord immediat. And by y^e kings
prerogative cap. 17. wil y^e the king shall haue
suche lands for a pere & a day, & after the te-
nements shalbee wasted & destroyed, that is
to say, houses, gardenz, woods, & euery other
thinge belonging to the sayde tenementes,

D. ij.

and

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and after they shall be deliuered to y^e chiefe lordes, except those tenementes that are in Gloc. Kent Gauekind that are by custome, for those tenementes shall reuert to the next heire as no felony had been made. And note yee that if tenant in fee simple bee attaynted of felonye and died, his wife shall not be dowed, nor his heire inherite: but if the tenant in taile be attainted of felonye and dyed, hys heire shall inherite: for that, that he is helped by the statute of Westm. 2. cap. 1. that wyll y^e by deede, nor by feoffement, the heire in taile shall not be barred, but in y^e case, y^e wife shall not be dowed: for that, that she hath no accio at the common lawe, nor yet helped by the statute.

Note yee: y^e where a man is outlawed for felonye, euery accion that he hath for cattels, goods, and enheritaunce, the right is extyn= guished in his parson, and he is not aunsw= erable, but if he purchase his chartour of par= don and purchase other landes after in fee, it is sayde that his issue shall enherite, but if his heire do a felonye, and for the same outlawed in the life of his father, & after the deathe of his father he purchase his chartour of par= don, yet hee shall neuer inherite, for that, y^e the blood betwixt him and his father at one time was corrupted. And note yee, that yf a man be outlawed for trespass hee shall neuer bee answered in any accyon parsonall vntil such tyme as he hath purchased his chartour of pardō

of pardon, but in any plee real to say that hee is outlawed of Trespas, that is not to the accion, but to the parson, as excommengeth is. And note ye: that a man shal not haue his chartour of pardon for parsonall trespass allowed, except he sue a scire facias out of þe record against the partye, at whose suite hee was outlawed or know wherefore his chartour of pardon should not bee allowed & that is geuen by the newe statute of E. 3. An. 5. Capitulo. 12.

And note ye, that if a man be beheaded for felonye by iudgement, the lord shall haue a writ of Escheit, and shall saye that hee was hanged, & it shal be no trauers to say that he was not hanged, and that was iudged in þe parliament. An. 8. E. 3.

¶ Addition.

In a writ of Escheite, the writ was challenged: for that, that hee supposed, & hee that made the felony held of the father of the demaundaunt whose heire he is, where the writ should be: Quod de eo tenet, for that, that after the death of his auncestour whose heire he is, he was tenant to him because of þe serignory descended & not allowed. D. 46. E. 3.

If a man holde two acres of land of a mā by seueral seruices, and died without heire, it is conuenient for the Lorde to haue two writes, and if a man holde of mee. x. acres of lande, and afoze the statute he make a feoffement of one of them to holde of him by. vi. d.

D. 17.

and

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and died without heire. I shal haue a writ of Escheit supposing & hee holdeth of me. ix. assizes & vi. d. of rent & yet in deede hee holdeth & land of me, & the cause is for that, & they of the chancery will not graunte a writ of any forme. C. 14. D. 7.

In a writ of Escheit, it is no plee for the tenaunt to say & he, that the defendant supposeth to be seised, that he died not seised of the land, but it is a good plee to say & he died not his tenaunt, and that issue shalbe taken vpon that. M. 2. D. 4.

And by the same reason hee may say, that he holdeth not of him. M. 37. D. 6.

In a writ of Escheit it is not coueniēt for & demandant to shew in his declaratiō, for what felony his tenāt was atainted C. 3. E. 2.

And if he shew any record to proue & attainder, and error is in the recorde, it is not materiall. M. 14. E. 3.

If my tenāt be iudged to be hanged & after is deliuered to & ordinary, I shal haue a writ of escheite. D. 34. E. 3.

In a writ of Escheit, the defendant may make discent from hys auncestour to hym. M. 13. E. 2.

Note ye: that if rent seruice bee geuen in taile, and the tenaunt in taile discontinue in fee, & the tenant attourne and died without heire so & the lande escheit to the discontinue the tenaunt in taile died without issue, & donor shall haue a writ of Escheit, and not a Formedon

formedon in the reuertour. H. 33. C. 3.

By the oppinion of Darri and Crew, that a writ of Elcheit lyeth not of rent, and that appeareth in a writ de Eiectione custodie. H. 13 C. 3. E. 11. H. 4.

In a writte of Quare se intrusit maritagio non facisfacto, the oppinion is that a rent lyeth in tenure. H. 4. An. 10. H. 6.

The lord and the ternaunt are, the tenant let his land for terme of life yelding certayne rent, the ternaunt hath issue and died, & lessee payde to the heire, and the heire payde the seruices to the lord, as his ternaunt & make felonpe: for the whiche hee is hanged, the lord shall haue a writte of Elcheite: for that, that he was seised by the hands of him that was attainted as by the hands of his verpe tenant. H. 26. C. 1.

Note yee that if the disseisye be attaynted of felonpe, the lord maye enter in the land. C. 6. H. 7.

A writ de Connencione.

Rex viſ salutem. Precipio A. qd iuste &c. te neat B. conuencionem factam inter ipsu A. & S. patrem predicti B. cuius heres ipse est de vno meluagio &c. vel sic inter A. patrem vel matrem. vel fratrem vel sororem, auunculum, amitam, vel consanguineum predicti A. cuius heres ipse est. Et C. patrem predicti B. cuius heres ipse est. Et nisi &c. tunc sum &c. teste &c.

D. iij.

C This

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This writt lieth where covenant is made by indenture sealed betwixt two parties, and the one of them holde not covenant, then he that feeleth him greued shall have y^e said writte. And also if landes or tenementes bee let for terme of lyfe, or for yeaeres by indenture, or if the lessour put out the tenaunt, or if the tenaunt perfourme not the covenantes, hee that feeleth him greued, shall have the saide writt. And note ye, y^e no writt of covenant shalbe mainteined without writting. And the proces is Somons, Attachment and Distres, untill the party come, for default of distres proces of vylawrie. And y^e writt of Covenant may be pleaded in the countie, or before the Iustices of the comon bank, & may be pleaded by the same delays, as a writt of trespass may. And note ye: y^e a writt of Covenant lyeth not but betwixt those y^e are parties to y^e Covenant, or their heires or their assignes, as the writt will.

Addicion.

Note ye, that this writt ought to bee, that the defendant ought to holde covenant of so much land, and not generall as of all y^e lands let to hym, and the writte of Covenant for leuying of a fine, the writt shalbe certayne of what land. H. 4.6. C. 2.

In covenant the writte was to hold covenant of a mesuage and C. acres of land in H. & the endenture was of all the lands and tenements in H. the writt did not abate for y^e variaunce

variance. *M.* 47. *E.* 2.

C Note ye, that if a man let lands in *Midd* by indenture & are in another county, yf the lessee be put out, he shall haue this accion of couenaunt where the lease was made, or in the county where & land is, notwithstanding that the dede beareth the date where the lease was made. *C.* 27. *H.* 6.

C Note by the opinion of the court, that a writ of Couenaunt lyeth not of freehold, if it be not of a special matter shewed, as yf a disseisour let lands to me with warrant and binde him by indenture, & if the disseisour enter & put me out, then I shal haue a writ of couenāt, but if the lessour or any other & hath no right put me out, I shal haue a writte of Trespas. *C.* 26. *H.* 6.

C Note ye: & in London a man shal haue a writte of Couenaunt wythout writtinge by the custome. *C.* 17. *H.* 6.

C Writ de Dedimus potestatem
de fine leuanda.

R Ex dilecti et fideli suo *B.* de *B.* salut. *C*ū breue nrm de conuencione pendeat coram vobis et soz vris &c. inter *W.* & *H.* de *x.* acris terre cum pertiñ in *M.* ad finem inde coram vobis in eodem banco secundum legem leuand &c. ac p̄fat⁹ *W.* adeo languidus sit, & senio cōfractus, quod vlsq; westm̄ ad diem in breui predicto contentū absq; maximo corporis sui periculo veniē non possit ad cogn, que in hac parte

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parte requiritur faciens ut accipim⁹ nos sta-
tum eiusdem w. compacentes in hac parte
dedimus vobis potestatem recipiendū cog-
nam predictas w. fac voluerit in premillis.
Et ideo vobis mandamus. quod ad prefatū
w. personaliter accedentes cognitionē suam
recipiatis. Et cum eam receperitis prefat
socios vestros in d. sub sigillo vestro distinc-
te & aperte reddatis certiores: ut tunc finis
ille inter partes predictas de terris predic-
tis, in eodem banco leuari possit secundum
legem & consuetudinem regni nostri. Et ha-
beas: &c. teste &c.

This writt lyeth in case where two men
are agreed to leuy a fine in y kings court,
and the one of the parties is so feeble that he
may not trauaile, then he may purchase this
writ out of the Chauncery to one Judge, or
to two or mo, or to seriāt swozne to y king,
reherling howe the writte of couenauant han-
geth betwixt the parties, and hee that hathe
pursaed this writt of Dedimus potestatem, is so
feeble y hee may not trauaile &c. for to make
the recognisaunce betwixt them, & that the
iudge in his proper person go to the party y
is so feeble to receiue the recognisaunce, and
to certispe the iustices of the common bank,
and when they are comen with the recog-
nysaunce into the court, that the sayde fyne
shall bee ingrossed and inrolled. And in this
wryte is no proces, but where suche Justi-
ces hathe receiued the recognisaunce in the
maner

maner also ei apde, and wyll not certify their felowes of the saide recognisaunce, then the partye that hath made the recognysaunce may haue a wyte directed to the same Iustices commaunding them that they certifye their felowes of the same recognisaunce vnder their seales, and to haue another wyte directed to the Iustices of the common banke, that they receyue the saide recognisaunce of them, as it appeareth by the Wessiger.

¶ Wyte de Contributione facienda.

Rex ec. Margarete W. vel ballinis Margarete W. de N. salutem. Cum de cōi consilio regni nostri prouisū sit, qđ si hereditas aliqua, de qua vnica tñ fiat secta pro heredit illa sicut prius consueit fuit ad hoc fiat debita contributio ad eisdem ac w. M. de N. custodi, scolarium de N. alijs quam plū vēdiderē terras & tenementa sua N. de quibus vnica secta tñ ad curiam predictam de N. debetur: sicut idem custos nobis monstrauit, vobis precipim⁹, quod non distringet custod nisi pro portione sibi & prefato scolari contingent de terris & tenementis predictis ad superalem sectam faciendam ad curiam predictam vel ad curiam predictam dñi nostri de N. contra foram prouisionis p̄dicte teste &c.

¶ Wyte de Missa noue disseisine.

¶ Rex

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R Ex viꝛ salutem. Questus est nobis A. qđ
 B. iniuste & sine iudicio diss. cum d. libero
 tenemento suo in P. post primā transsē do-
 mini B. regis filij regis Johānis i. Alascoñ.
 Et ideo tibi p̄cipim⁹ quod si predictus A. fe-
 cerit te secū de clam suo p̄of. tunc fac tene-
 ment illud relesit de catall' que in ipso capē
 fuerūt et ipsum cum catallis esse in pace vs-
 que ad proximam assisam cum iustic' nostri
 in ptes illas venerint. Et interim fac. xij. li-
 beros & legales homines de visū illo videre
 tē illud. sum quod sint coram prefatis iustic'
 nostris ad prefatam assisam parati inde face-
 re recogñ. Et pone per vad' & saluos pleg.
 predict' B. vel balliuū suū si B. ipse inueni⁹
 non fuerit, quod tunc sit ibi ad illam recogñ.
 Et habeas ibi sum nomina pleg. & hoc breue
 teste &c.

The patent of the same wyꝛte.

R Ex &c. Dilectis et fidel' suis A. B. & C.
 salutem. Sciatis quod constituimus vos
 Iustic' nostros vna cum hñs quos vobis as-
 soꝛ ad assisam Pone disseisine caplend' quā
 A. arrā corā vobis por breue nostrum vsus
 B. de tenemēto in J. Et ideo vobis mada-
 m⁹, qđ ad certos diem & locum quos ad hec
 p̄videritis assisam illam capiatis facturi
 inde qđ ad iustic' pertinet secundum legem &
 consuetudinem regni nostri saluis nobis a-
 merciamētis inde puenientib⁹. Ad enim
 viꝛ nro S. quod ad certos diem & locū quos
 ei Scire

et Scire facias assisam illam corā vobis venire facias. In cuius rei testimonium has litteras nras fieri fecim⁹ patentes teste &c.

This writ lyethe where a man is disseyled of his free holde. s. of landes, tenementes, rentes, comon of pastures or such lyke & he holdeth for terme of life, fee tayle or fee simple, or where hee hath lande or tenement that is deliuered to him by vertue of a recognisance of the statute marchaunt, or by y^e statute of the Staple, or by Elegit, as it appeareth by the statute of marchaunts, or by the statute of the staple. In. 27. E. 3. Capit. 9. And by the statute of Westm. 2. Cap. 18. the disseylve shall haue the said writ against the disseilour, or against whosoener is in possession (liuing the disseilour) and it is necessary that the disseilour be named in the writte or otherwise the writte shall abate, and that is geuen by the same statute of Westm. second. And note yee, that if the Gardeyne or the chiefe lord make a feoffement to anye man, of the lande that is of the herptage of hym that hee hath in warde to the disenhertauce of the warde, the warde maintenāt may haue the sayde writte and when the lād is recovered, it shalbe deliuered by y^e Iustices to the next frend of the infant, to whom the heritage may not descend, and to answer the heire of that profitēs of the lande when hee commeth to hys full age, as is appeareth by y^e statute of Westminster. 1. Cap. 47.

whiche

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Which beginneth. Si Gardeyn &c. And loke the statute of westmer 1. Ca. 36. which beginneth. Purueu est enseint and accord &c. how a man shall bee punished for disseison with robbery. Also if the Escheptour, Shirisfe, or Wayliffe of the kinge, disseise any man by colour of his office without speciall warrantye or commandement of the kinge: the disseisid maye recouer by the saide writte, and recouer double dammages: as it appeareth by y statute of westm. 1. Capitulo. 24. which beegynneth. Purueu est ensement que nul Eschetour &c. And in what cases that this writt lyeth, looke the statute of westm. 2. Capitul 25. which beegynneth. Quia non est aliud breue &c. And howe and in what tyme this writt shalbe taken, & loke y statute of west. 2 cap. 30. which beginneth: Assignemēt de cetero duo Justit &c. And in Magna Carta. cap 12. which beginneth. Recognitiones de Nouel disseisin. And looke the newe statute of E. 3. An 2. cap. 2. 4. 6. And in the statute of fines. Cap. 4. which beginneth. Item cum statum &c. And in the statut of yorke Capitulo. 3. which beginneth. Quod come si soit contras &c. And y proces in this writt is Attachement against the party, Homōs, Habeas corpora & distress against y turours until they come. And note ye: that free holde is called, where a man holdeth land or tene-ment in fee simple, fee taylor, or for terme of yere at the least.

¶ Addition

Addicion.

In assise the writ was pone per vadium & saluos pleg. predict J. vel ballium suum, qd sit ibi auditur &c. where it should be qd tunc sit ibi, and the court was in opinion to abate the writ, wherefore the pleintife was non suite. An. 26, B. 6.

Assise was brought by the husbände and the wife, the parties were at issue, but not of the poynt of the assise, and was founde for the pleintifes how the wife was disseised afore the mariage, and that the husbände had nothing, so the writ was false disseisuit eos, and notwithstanding the plaintiff recovered. An. 44. li. ass.

If there be. iij. iointenants, & two disseise the other two, al sover broughte a assise against two of them & were disseisours, and the writ was disseisuit eos: so the writ supposeth & the two disseisours disseised them self, & notwithstanding the writ was awarded good. And if two iointenants are disseised by a straunger, and after the one come to the tenancy by purchase, if the other wil recover, it behoueth & both be named, for that, that the wordes of the writ may be true qd disseisuit eos. But when one iointenant putteth out the other, this worde disseisuit eos is false, for the one may not disseise himselfe, therefore hee shall haue a writ in hys owne name. An. 24. E. 3. li. ass. Placito. 9.

In assise, the tenant sayde & the playntife
is hys

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is his billeine. Judgement &c. the playntiffe sayd that he was free &c. and it was founde that he was free, but that he was neuer seised of suche estate that he might be disseysed, the plaintiffe sayde we are at issue out of the point of assise that is found for vs, therefore they neede not to enquire but of y^e damages, & after it was awarded y^e he should take nothing by this writ. **A. 31. E. 3. A. 1. ass.**

And note ye that assise maye bee taken in iij. maners. s. at large, in the poynt of assise, out of y^e point of assise, & right of damages. Assise at large, is when an infant bringeth the assise & the deede of his auncestour is pleaded, then the assise shalbe taken to enquire at large, y^e is to saye, if his auncestour was of full age, of good memo^rye, and out of prison when hee made the deede. Assise in point of assise, is when the tenant pleadeth no w^rog nor no disseison. Assise out of point is, when the ternaunt pledeth a fozein release, or fozein matter triable in another countye, then the Judges shall put the recorde in the common place to trye this fozein plee, & when that is tryed, they shal send againe the assise. And in right of damages is, when the ternaunt confesseth a putting out & demurreth in lawe, y^e whiche matter is iudged agaynst e him, now the assise shallbee taken in righte of the damages.

Note yee, if the Gardein of an infāt take a seoffmēt of the infant being in his ward,
the infāt

the infant shall haue an assise & the gardein
shalbe iudged a disseisour & comitted to pry-
son if it be found. An. 8. C. 2.

If my tenaunt be attainted of felonye, & I
king graunt the yere & the day to a strainger
if the straiger be disseised, I shall haue assise,
by al the court. And note ye I seisin of fealty
is no seisin of I rent whereby he may of that
haue assise.

If the tenant pleade a plee in barre, and
the plaintife make title and trauers I barre,
thoughe the title of the plaintife be false, yet
the tenant shal not haue aduantage to take
the assise by the title, but he shalbe charged
to maintaine his barre. Otherwise is where
if I plaintife make to him a title, & answer
not the barre. H. 4. C. 2.

A man may be tenaunt of the rent by hys
disceylin, as yf hee leuie the rent of mye te-
nautes by coercion of distresse, but yf the
tenaunt pay to him the rent of his good wil,
that shall not bee intended the rent that I
ought to haue, but another rent, for by suche
payment wout other things doing, I shall
haue no assise.

If ret descend to me after I deathe of my
father, & afore the daye of payment of I rent,
I tenat putteth me in seisin of the rent by an
ore, this seisin is not sufficient wherof I may
haue assise, but if he pay to me a peny as par-
cel of my rent not wstanding I it be afore the
day of paymt of this possession I shal haue

D. i.

assise

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assise, but if I recouer rent & afoze & daye of
paiment, & therif put me in possession of the
rent by an oze of this possession I shal haue
assise. p. 49. C. 3.

¶ A writ de Reddisseisin.

Rex vult salut. Monstrauit nobis A. qd cu
ipse in curia nra cor iustit nris tñ &c. vel
coram dilect & fidel nris B. & C. iustit nris
ad assisas in com L capiend assign, p bñ nrm
recuperauit sim suã ver⁹ B. de r. acris terē
cū ptñ in A. p recogn ass. no. disseisin ibi inf
pfatos A. & B. capt, pfat B. ipsū A. de eadē
tē iniuste disseisit. Et ideo tibi pē qd assumptis
tē custod placit coram nre & xij. tā milit q
alijs liberis & legal hominib⁹ de com tuo tā
de illis q in pñma iurata fuer quā in propria
pñona tua accedas ad pñ tē & p eor sacm di
ligent facias inde inquisit. Et si ipsū A. per
pñ B. de pñ fra interim iniuste disseisitū
inuenieris tunc ipsū B. capt & in pñson nra
saluo custod sat, ita qd & pñson illa nullo mo
do deliberet sine mādato nro speciali & ipsū
A. de pñ fra rescire & dāpna sua in duplū
q occasione illi⁹ reddiss. sustinuit p sacm pñ
xij. taxari de fris & cattallis pñ B. in ball
tua sine dilat fieri & eund A. her sat iuxta
formā statuti w. de hui⁹ reddiss. prouis. Et
Scire sat pfat B. qd inqñsioni illi faciend
inf sit si tibi videret expedire. Teste &c.

This writ lyeth in case where a man is dis
seised: and hee hath recovered by assise,
and

and is put in possession by the Sherife and after that is disseised by the same disseisour, hee shal haue this writ of Reddisseisin agaynste him, & that is geuen by the statute of Marston Cap. 3. which beginneth. *Si quis diss. &c.* And by y^e statute of Mart. Cap. 8. which beginneth. *Illa autē qui prosterata disseisin &c.* Where it is sayde suche persones are not repleuisable.

¶ Addition.

¶ If a man recouer in a disse againste a woman sole, and after she put him out, and take a husbände, the writ of Reddisseisin shal not suppose y^e hee hath recovered against y^e husband and the wife, but y^e writ of Reddisseisin shal suppose the Reddisseisin to be made by the wyfe, when shee was sole, and the husbände shalbe named because of the mariage. Anno. 9. H. 4.

¶ Note ye: that vpon a recouer in a disse of freshforce, a man shal not haue a writ of redisseisin. M. 14. E. 2.

¶ But it is thought y^e a man shal haue a redisseisin, and post disseisin in London where he recouereth by a writ of right, & maketh his protestacion in nature of a disse, for there is coroners. M. 14. E. 3.

¶ Note yee: that if I recouer an acre of lād in D by a disse, to which there is a comon in S. belonging, if I. be disseised of y^e comō I. shal haue a redisseisin M. 8. E. 3.

¶ A writ de post disseisino.

D. ij.

Rex

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Rex hic saluti. Monstravit nobis I. qd cu ipse in cur nra cora dilectis & fidelib nris & et locis suis Justie nris de banco apud W. recuperasset suam suam versus S. de. r. acris terre cu priu in I. p. consideratione eius de cur idē B. pstatu A. de pdicta terra post modum inuiste diss. Et ideo ut supra sed non dicatur tam de illis qui in prima iurata fuer. quam de alijs vsqz interuz post modu inuiste & c. ut supra, semper dicat post disseisina in loco dissie, ut supra. Teste & c.

This writte lyethe as is ordeyned by the Statute of Marton bypon a recouere in assise of Nouel disseisin, and by the statut of Westminster. 2. Cap. 26. whiche begynne the. In breuibz de redd & c. that a mā that hath reconered by assise of Mortdauncestour, or by other Iury, or by default, or by reddicion or by any maner enquest. And if he bee put out of the same tenements by y same person against whō he hath reconered, then he shal haue a post disseisin, & not a reddisseisin. Also if these tenants, by Elegit. statut marchāt, statute of y staple be disseiled, they shal haue a writ of reddisseisin, but in case y a mā may disseile, & after I recover by assise, & am put in possession, and the same disseisour with an other stranger put me out of the same land, in this case I shal not haue a writ of reddisseisin, for there is a tenant of parcel, y was not party to the assise, therfore I must haue a newe assise. And in case y the disseisour bee disseiled,

disseised, & a writ was brought against y^e second disseisor, he that answer of y^e damages, for his own possession, but y^e statute of Gloz Cap. 1. speaketh not but in case where y^e disseisor hath solde.

¶ And note yee: when a man arreigneth assise of Nouel disseisin of a rent charge it is conuenient that all y^e tenants of the tenements charged be named in the assise & al the lande charged put in view, notwithstanding y^e hee was disseised but by one tenant, but otherwile is of rent seruice. And note ye: that all assises of Nouel disseisin, Mortdauncestour that goeth into the countie, are retournable in the common bank, & if the kings bench be in another county then the common bank is, then all the assises of Nouel disseisin shalbee afore the Iustices of the bak, & afore y^e king shalbe put a certaine day as vlt^a ad die Iunij in x. &c. but in y^e Mortdauncestour com^o day may a mā haue, as in other places, but in assise of Nouel disseisin afore y^e Iustices, & afore the king, a man may put a day out of the terme, as vlt^a in diem. Quous post festu^m facte Lucie, & geue day of. iij. dates afore the king, & that will the statute. Praiculi super Cartas. Cap. 15. And in assise of Nouel disseisin a mā ought not vouch no man if he be not named in y^e writ or be p^rsent in court whe he is voucheth, but in a writ of Mortdauncestour a man may vouch at large.

¶ Addicion.

¶ Dig.

¶ C

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Cf a mā reconer land by seire facias by default if he be disseised by the same man afterward, he shal haue a post disseisin as wel as if it were in a precipe quod reddat. **C. 15. B. 7.**

Cf a mā reconer lande in value, & after is put out by the vouchees, y^e tenant shal haue a post disseisin, vt patet per registrū. **A. 5. B. 2.**

C A writ de Documento.

Rex viē sal. Quest^o est nobis A. qd B. iniuste & sine iudicio prostrauit vel legauit qdā fossatū in B. ad Documentū tenētū suū in eadē villa, vt nō potest transire ac. Et ideo tibi p^{re}dict qd si p^{re}dict A. fecerit te securū ac. fac. xij. liberos & legales homines de villā illo vidēt fossatū illud vel stagnum illud & tēn & nomina eorū inbreuiari. Et sum illos per bonos &c. qd sint coram iustic^{is} n^{ost}ris ad p^{re}sent ass. cū in partes illas venerint paratū fac. recogn. & pon. p^{ro} badium & saluos plegios p^{re}dictum B. vel balli suū si ipse inuentus nō fuerit, qd tūc sit tibi audillam recogn. Et habeas tibi sum nomina pleg. & hoc breue. teste &c.

This writte lyeth where a man leuyeth or maketh a house, and walle, or gutture in his lande, or anye such like to the nuisance of the frecholde of his neighbor then he to whō the nuisance hath been made, shall haue the sayde writte. And also if hee that hath made the nuisance sell the lande, wherof the nuisance was made to a stranger then thassise shalbe brought against both, & against hym that

that made the nusaunce, and againste hym to
whom the lande is solde, and that is geuen
by the statute of Westm. 2. Cap. 24. whiche
beginneth. In quib⁹ casib⁹ &c. befoze which
statute assise of nusaunce did not lye, but only
againste him that made the nusaunce. And
the proces is as in assise of Nouel disseisin.
And note pee: that if the nusaunce be made
in one county and the tenement is in another
countie, the writ shalbe brought in that
county where the nusaunce was made. And
also if the assise of nouel diss. be arreigned in
one county and of the same tenements ano-
ther assise is arreigned in another county, a
man can pleade nothing but suffer both assis-
es to passe and if they saye bothe that these
tenements are in one county, then it is well
and if they vary so that the one say, that the
tenementes are in one countye, and the other
say that they are in another county, then he
ought to cause all the assises to come afoze y^e
king, & that was iudged. An. 9. E. 3. betwixt
Richarde Clefforde, and Wery Fitz Hugh.
And note pee: that in manye cases assises of
Nusaunce lyethe as it appeareth by these
two verses.

¶ Fons, stagna sepique via reuersus cursus aquarum,
poscunt assisam marcatum feria bancum.

¶ A writ de Partu nocumento.

R Ex vi⁹ salut. Quest⁹ est nobis A. qd B.
inuste & sine iudicio leuauit quada^m fabri-
cam in B. ad nocumentu^m liberi teniti sui in
P. iiij. eadem

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eadem villa post p^m transse &c. Et ideo tibi
pre^{ter}, q^{uo}d loq^{ui}lam suam audias & postea eum
inde iuste deduc^{ere} fac. Ne amplius &c. pro de-
fecto iusticie. Teste &c.

Thys writ lyeth where a myll or such like
is leuied to the nusaunce of his neighbor,
he to whom the nusaunce is made shall haue
the saide writ, and it is vicountile, & pleada-
ble in the county. And this writ may be re-
morable out of the county into the common
bank at the suite of the pleintife. Hout cause
in the writ, and at the suite of the tenant &
cause as in the pone de aueris repleg. And here
of may be made a writ of Executioⁿ of iudge-
ment it neede be, but if he that made the nu-
saunce die afore the assise purchased, then he
to whom the nusaunce was made, or his heir
shal haue a writ of Quod permittat against the
heire of him & made the nusaunce. And so^o
Quod permittat lyeth al times in place of a writ
of Entre grounded vpon disseisin, or abate-
ment, after the death of him that made & nu-
saunce. And note ye, that there be other writs
& are called litle writes of disseisin that are
vicountiel, and pleadable in the county afore
the shirife that are De domo iniuste leuata
vel prostrata & consimilib⁹, vt patet p^{er} regis-
trū, & what maner of nusaunce are pleadable
in & county it appeareth by these verses.

¶ Fab, fur, porta, domus, vir gur mole murus, ouile.
Et pons, tradantur hec vicecomitibus.

Addicion,

CTwo

Two coparceners are seiled of a medow and a mill, & they haue a way from the mill into the water of the same mill ouer & medowe, & they make particion so & the mill is allotted to the one coparcener & the medowe to the other, & vpon the particion it is agreed & he that hath & mill shal haue & way to the mill ouer & medow, if & other to whom the medow is allotted leaue a ditch in & medow whereby hee is put out of his way hee shal haue assise, for he may not haue & profit of & mill wout & way, wherfore thacord is good wout wryting, as rent reserved vpon a particion without wryting &c. 19. 21. C. 3.

Note ye: that if a man ought to repaire a bridge, ouer which I haue a way belonging to my maner of Dale, & he & ought to repaire & bridge, make no reparacio whereby I cannot haue my way I shal haue an accion vpon my case, & not assise, for where a man oughte to make a thing & makes it not, I of hys lathes shal not haue assise, but where a man maketh a thing by maynor, or leuying, or estopping, in such case I shal haue assise &c. yf a man be holden to scour a ditch, & the water may haue course, & he make it not whereby my medow is surrounded, I shal haue a writ of trespas, but if he stop that, & is vnclesed I shall haue assise. C. 11. B. 4.

A writ of Attincta is such.

Rex vlt salu. Si A. fecerit te &c. tunc sum
&c. xxiij. legales homines de villa de. M. qd
ant

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fuit cor in iustis nris apud w. tali die, vel ad pri-
mā assisā &c. parati sacro recognoscere si iurē
p quas qdā inqūit nup capē fuit corā iustis
nris apud w p bē nrm &c. qd fuit it. A. petēt
& B. tenēt talū fecerunt sacm sicut idē A.
gratit nobis congruus mōstravit. Et inte-
rim diligēt inqras qfuev iuratores, p quos
inqsio capta fuit. Et eos habeas corā pstat
iustis, ad pstatū finis vel ad pstatā assisā. Et
sum p bonos sum pstat B. q tūc sit ibi audi-
tū illā recogn. Et habeas ibi sum noia pdis
corū hominū & hoc bene. &c. &c.

This writ lieth wher an equest hath made
a false verdict wherof they bee attained
by this writte they shall haue such paines.
theire medowes shalbe yearted, & theire hou-
ses pulled downe, and their woods destroyed
& al theire landes and goods forfeited to the
king, but if the writt passe againste him that
bringeth y writt he shalbe imprisoned & gre-
uouslye ransomed at y kings pleasure. And
the proces is against the partie Somons, &
re. omōs. And against y party Jurours, ve-
nire fac. & a distres. And against y graūd in-
rours. Somōs Habeas corpora, & distres. And
in how many maners a man maye haue at-
taint, loke y Statut of west. 1. cap. 37. whiche
beginneth: But ceo q ascun gents &c. y a mā
shal haue attaint in plee of land, or of a thing
y toucheth free hold. And now by the newe
statute of An. 1. E. 3. cap. 6. is ordeined y at-
taint shalbe graūted in a writ of trespass. at-
wel

wel vpo þ damages if they passe. xl. s. as vpo
 the principal. And also þ statute made An. 1.
 E. 3. cap. 7. that attaint is aswel in plee par-
 sonal as in plee real, & to be graunted to poore
 men without fine, and the Chaunceller hath
 power to graunte this writ without supng
 to þ king. And that þ Iustices let not in no
 case of attaint delay to take the attaint for þ
 damages not payed. And by the statut made
 at Westm. An. 1. E. 3. cap. 7. in þ ende, a man
 shal haue a writ of Attaint in plee of Tres-
 pas moued afoze iustices that are of recorde
 without writte, if the painages iudged passe
 xl. s. And after by the statute made in þ time
 of the same king. An. 28. cap. 8. a writ of at-
 taint shalbe graunted aswell vpon a bill of
 trespass, as vpon a writ of Trespas, hauing
 no regard to the quantity of the dammages.
 And also the attaint shalbe graunted to poore
 me þ wil swere þ they haue nothing wherof
 they may make fine, sauing their countenance
 without fine, as to other by a reasonable fine.
 And by þ statute of An. 24. E. 3. cap. 7. And
 also by þ statut of An. 9. R. 2. cap. 3. is geuen
 þ he in þ reuercion liuing his tenat for terme
 of life shal haue attaint.

¶ Addition.

¶ Note yee: that a writte of Centre was
 brought in Suffex, & the tenant pleaded the
 dedde of þ auncestour of the plaintife made
 in London, which was denied, & soūd of the
 plaintif in Lōdō, & vpo þ the tenat broughe
 attaint

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attaint in London to somon xxij. & to at-
tache these. xij. & another writ to \bar{y} shirif of
Suffex, to attach \bar{y} party, where \bar{y} lād was,
& \bar{y} writ \bar{y} was directed to \bar{y} shirifs of Lō-
don was challenged for that, \bar{y} it is not com-
prised in \bar{y} writ \bar{y} the party shalbe attached &
not allowable for in a new case a new reme-
dy shalbe prouided. *M. 18. C. 2.*

Attaint was brought against J. S. as
sonne & heire vpon a false verdict geuen be-
twixt the pleinthe, & the father of the sayde
J. S. in a precepe quod reddat, & the writ was
challenged, for that, \bar{y} it is not proued by the
writ \bar{y} he is tenant, & for that, that every at-
taint in him selfe is somons, the writte ought
to haue been, Sum one such, & not allowed,
for \bar{y} writ shalbe brought against \bar{y} father
wout any somons against him, for that, that
 \bar{y} law intendeth \bar{y} the tenancy continueth in
him, & this action is formed vpon \bar{y} first re-
cord, & by \bar{y} same reason it shalbe intended \bar{y}
it dissend to \bar{y} heire, & that he is tenat wher
fore answer. *M. 31. B. 6.*

One that was vouchesd broughte attaynt
against those \bar{y} passed vpo a deede denyed, &
the writ will that one J. S. tenant vouchesd
to warrant & the writ was abated, for that
 \bar{y} the writ suppoleteth not \bar{y} the vouch hath a
warrant of \bar{y} tenant by expresse wordes, yet
it is supposed by these wordes placit ando pro-
curat \bar{y} he hath a warrant, but that \bar{y} it should
be put in \bar{y} writ by expresse wordes may not
bee

be maintained by supposel. *D. 22. E. 3.*

Note ye: *¶* one may haue attaint, a wryte of Error, and disceipt afore executiō: for *¶* mischief that he will not sue executiō vntil such time *¶* the petit iury, or sōmoner; & betwixt be dead, & then to sue executiō when he may not haue the acciōs, & of this mischief he shal haue the afore executiō. *M. 21. E. 3.*

If a wryte bee awarded to the shirife by default to enquire of wast, it is saide that the parties shal haue theire challenge afore the shirife & also atteint, if *¶* Jurie make a false verdict, *¶* non credo. *Quere. An. 10. H. 4.*

Note ye: *¶* no man shall haue attainte in appeale of maihē, nor in any other appeale of felony, or of *¶* death of a man.

Note ye, that if a manne be indycted of trespass, and founde guilty by another enquest hee shall not haue attaynt, for that that, *xliij.* hath founde hym guiltye, and both the verdicts agree.

In trespass against. *ij.* the one appeareth & is found guilty by one enquest, & *¶* other by another enquest, he *¶* was found guilty by the later enquest shal haue attaint notwithstanding *¶* he is a straunger to that, for that, *¶* hee is in damage by that, for the first enquest shall take *¶* damages, & not *¶* secōd enquest, & of those damagz he shal haue atait. *D. 44. E. 2*

Attaint was brought, & he assigned *¶* false verdict to be in. *ij.* things, where as it appeareth to the court *¶* he hath no cause of acciō, for the

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for the one, and by the aduise of al the Iustices, it was holden, that the partye shal bee barred of that, and the remenant to stand in his force. **E. 26. H. 6.**

The iudgement in attainr is whan it is founde for the plaintife, & the verdict is false, the iudgement reherseth the pointes &c. we awarde that the plaintife shall haue againe his land and those damages & hce lost in the Waste, & the profits had in the meane time, & that & tenant shalbe taken & & petit iury shal lose free lawe, and their goods forfeited, and their tenements destroyed, & all their landz & tenements seised & their medowes eared and their woods destroyed, their wivez & infants of theire houses put out, and that they shal bee taken. **H. 11. H. 4.**

¶ A writ de Certific. noue disseisine.

R Ex viē salut. Quia sup quibulā articul noue disseisine cōtingent. q̄ inter A. & B. sum̄ fuit & cap̄t apud B. par bzene nēm corā dilectis & fidelib⁹ nostris H. & W. de tēto in B. quidā subsumt dābitationes sicut ex q̄rela ipsi⁹ B. accepim⁹, cōstitum⁹ p̄fatos H. & W. iustitē n̄os vna cū hīs, quos, sibi assoz ad certificationē sup articulis p̄dictis capiend. Et ideo tibi p̄t q̄ ad certos diē & locū quos eidē H. et W. tibi Scire facias iuratores illi⁹ assē corā eis Venire faē ad certificand sup articul p̄dict. Et sum̄ p bonos sum̄ p̄dict B. q̄ tūc sit ibi auditurus illā certifiē. Et habes
as ibi

as tbi sam nomina iura et hoc breue &c.

This writ lyeth where assise is brought a-
gainst a man and he answered by bayly,
and the bayly cometh into the courte ex-
cusing the absence of hys maister, & pleade
in abatement of the writ or sayth no wro-
ng, ne disseisine, for hee may not pleade any re-
lease, or wrytyng in barre of action, then yf
the tenant lo- e in his absence by assise, if he
hathe anye release or other wrytyng that wil
make for hym hee may come afoze the same
Iustices, afoze whom the assise was taken
and shewe his right by release, or other wryt-
ting, and if the Iustices may see that y plain-
tife in the assise might haue been excluded of
assise, if the saide release or wryting had ben
shewed afoze the iudgement in the assise ge-
uen, then the same Iustices shall send a scire
facias to the sherife of the countye where the
assise was arreigned, that he warne the par-
tye that first recovered to bee afoze them at
a certaine daye. And also that hee shal cause
the first iurourz to come y were first sworn
in assise, & then if it may be founde by herdict
of the Iurours or by inrolment, that y saide
wrytings are true, that hee y purchased the
said assise shall yeide double damages, as it
appereth by y Statut of west. 2. cap. 25. which
beginneth: Quia nō est aliud breue &c. And
in case that the Iustices or anye of them a-
foze whom the saide assise was firste taken
dye or be remoued, then the party if he haue
anye

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any release, as afore is sayde may have & said
certificacion, which shall bee patent directed
to the new iustices reherling al doubtes tou-
ching the assise that was taken afore & first
Iustices commaūding them that they take
the sayde certificacion at a certeine daye and
place, and ouer that a Precepe directed to &
shirife of the same county, & he sommon the
same party that first recovered. And also &
hee cause the first Furours of the assise to
come afore the saide newe Iustices at a cer-
taine day & place, to certify the said Iustices
of the said doubtes as it appeareth by & Re-
gister. And also this certificacion may be ta-
ken in the kinges benche, or in the common
place, & then no patent shalbe made as is in
assise of Nouel diss. by whiche certificacion,
aswel in & one case as in & other, & iudgemēt
shalbe reuersed, & in case & the party be war-
ned, & come not at the day assigned, hee shall
loose the land by default. And if he come at &
seire facias, the plee shal passe betwixt them &
if he that recovered by assise can nothing say
against the release, then the tenaunt that lost
by the assise shal recover. And the proces is
agaynst the Furours a venire facias Habeas cor-
pora and distres infinite, but this wypte ly-
eth, but where it may be founde by recorde,
and by the rolles, then thenquest & passed in
assise speake nothing, nor made mencion of &
release or other writing in their verdict, but
yf thenquest make mencion of the release,

or of

or of their writing, and they geue false verdict notwithstanding the release then & party agaynste whom they passed maye haue attaynt against the iurours. And if the Iustices geue false iudgement where these iurours made mencyon of the release, and putteth their verdict vpon the iudgement of the Iustices, and that may bee founde, then the saide partye may haue a writte of error and the iudgement shalbee reuerled. And if it bee found that the release is good, the party shal recover, & if not, the other shal hold in peace, & that is geuen by the statute of West. 3. cap. 25. which beginneth: *Quia non est aliquod breue &c.* And in case that the assise passe in absence of the partye, and after the party cometh, & shewe to the Iustices any release as is aforesaid, and the Iustices delay to do after the said statute, then the party may haue a writ directed to the same iustices in which writ the said statute shal be reherled, commaunding them & vpon the sight of the said writte that they make full Iustice to the foresayde party, as it appeareth by the Register. And this writ in this case shalbe in place of a certification. And note ye & by the same statute if the party defendant in assise of Nouel disseisin alledge in delay of the partye plaintyfe, & assise another time passed betwixt the same parties of the same landes or & the said party plaintif was nō suit in a writ of higher nature hanging betwixt the of & same tenement

Q. i.

or that

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or that þ said pleintife was nonsuit in suche
like writ, & profereth to verify þ of recorde,
in this case if þ same party faile at his day of
the record, he shalbe iudged as disseisour, w-
out trial of the assise, & þ assise taken in the
right of þ Damages &c.

Addicion.

C If a recouere be in assise, and after the
tenant in the assise sue a certification vpon a
deede, and a seire facias against the party that
recovered to bee at a certaine day &c. and a
venire facias in the same writte against the. xij.
Jurours that were sworn in the assise, and
the sherif returned that two of the Jurours
are dead, quere if he shal haue a certification
or not: for that, þ the statute is, that it shalbe
tried by the first Jurours, but not by al the
Jurours, and it was laide that there was a
certification at the common lawe afore the
iudgement geuen if the matter be vppon a
deede bearing date in a forein county, it shal
be tried by other, and not by the first iurors.
Anno. 12. H. 4.

A writte de Avisa mortis antecessoris.

R Ex viꝛ salut. Si A. fecerit te &c. tūc sum
&c. xij. liberos & legales homines de viñ v̄
A. q̄ sit cor. &c. tali die &c. parati sacra recog
noscere. Si B. sc̄i pater p̄ed A. fuit seistus
in dominio suo, vt de feodo de vno mel. cū
ptiñ i A. die quo obiit. Et si obiit post corop
nationem

nationē dñi B. fil regis &c. Et si idē A. pro-
pinquior heres eius sit. Et interim p̄dictum
mel. videant & nomina eorū inbrentat fac̄, et
sum p bonos sum p̄dictum B. qui mel. p̄ced
tenet qd tunc sit ibi aud illā recogn. & habeas
ibi sum, et hoc breue, Teste &c.

T Hys wyte lyeth where my father, mo-
ther, brother, sister, vncl, or aunt died sei-
sed of lands or tenciments, or of rent, & they
haue in fee simple, and a straūger abate, then
I that am next heire shall haue this writ a-
gainst the abatour, or against whosoever &
is in possession, after the death of mine aun-
cestour. And the proces is in this wyte as it
is in a Iuris vtrum. And note ye that if an In-
fant bee in warde of his lord, and after hee
cometh at his full age, the lord wil not yelde
to him his lād wout piec, then & Infāt shall
haue this writ & that is geuen by the statute
of Marl. Cap. 16. which beginneth: Si he-
res aliquis &c. but if he be of full age after the
death of his auncestour, & is in his heritage,
and knowen for heire, & the lord enter vpon
the heire, and hold him out then he shal haue
& foresaid writ, & recouer damages, as in as-
sise of Mortuē dīsselsin. And note yee: that by
the statute of Gloz. cap. 6. it is ordeined, & if
a man dye seised of certaine lands or tene-
ments in fee simple and hath many heires, whereof
one is sonne, daughter, brother, sister, nefe
or neece, and the other bee in no more longe
degree, if a straūger abate all those heires

Q. 9.

together

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together shal haue the foresaid writ but if þ
heire be not one of them aboue named, they
are put to theire wyte of Ayle, or Colynage
as their case lyeth. And note ye: that if an in
fant purchase a wyte of Mortdauncestour,
he ought to find no suerty, & for þ he shal not
saye in this writ si calis fecerit secur' &c. And
note ye: þ þ Statute of West. 1. Cap. 22. which
beginneeth: Des heirz maries &c. that if anye
lord withhold these heirs females vntil xvi.
yeare vnmarrid, because of conetousnes of þ
land, then the heire may recover her heritage
by the foresaide wyte of Mortdauncestour.
And note ye: þ a mā may haue a certificaciō
& associacion to the said writ.

Addicion.

Note yee: that a wyte of Mortdauncel-
stour was of a comon forme. In dominico
suo vt de feodo die quo obiit: and the tenaunt
said that his auncestour of whose death hee
bringeth this writ went ouer þ sea towarde
saint James: the whiche auncestour is not
yet come againe, therefore the writ shal say:
Die quo iter &c. wherefore the writ was a-
bated, and the demaundant would haue auer
red the death of his auncestour, & could not
be receiued, for that, that another writ is ge
uen in the case. M. 16. E. 3.

The writ of Mortd was Sum rj. &c. de
visu vill' de Dale &c. parati &c. si obiit seisi?
de octo pedibus in longitudine, & vi. in lati-
tudine, et duabus partibus vnus mesuag. &
medietatem

medietatem ptiū vnius mesuag. in villa de Dale &c. interim mes. terras & tenementa videant. And þ writ was challenged: for that it was De octo pedibus &c. for it ought to be of a place that containeth so much, so þ principal demaund shalbe of the place, and not of so many footes, & also the writ ought to be, that these. xij. of the assise ought to bee of the same beyne w where the demaund is made, and now is the one of the beyne w of þ towne of Dale, to somon the Jurours, & the secōd is in the towne of Dale, & also in þ demaund, the lande is first in demaunde, & after þ mesuag &c. and in the clause to make þ beyne w the mesuag is first named, but the exceptiō on was not alowed as the first challenge, for a man shall not haue a writ to demaunde a place that is not certein, and as to þ second point the fourme of the writ is such & may not be intended diuers townes, & as to the third point that is whole in þ demaund shalbe first named, and then the halves, but whē the beynewe ought to bee made & the whole mesuag to be put in view. þ fourme is to put the mesuag afore þ land & a writ of another fourme may he not haue, wherefore the writ was awarded good. D. 16. E. 3.

In assise of Mortdauncestour, if þ tenāt pleade a feoffment of þ auncestour of þ demaundant in barre, he ought to traaverse the dyng seised, but if he plead a recouerpe, or a fine leuyed by þ auncestour, he ought not tra-

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uers the dying seised, for that, that y dema-
dant is stopped to say against the record that
he dyed seised without shewing howe after
the recovery. *M. 7. C. 3.*

*I*n assise of Mortuor the tenant pleaded a
recovery in assise had against y pleintifselse,
and for that, y this disproues the estate that
the pleintife hath after y death of his ances-
tour, the opinion of the court was that it is
no barre. *M. 27. C. 3.*

A. was indicted of felony, & one *D.* as ac-
cessary, & upon the case the shirife returned
that *A.* non potest inueniri, and that the said
D. was taken, & he pleaded not guilty, and he
was found guilty, and hanged, & the lord by
Escheit entered, & after the said *A.* was take
& brought to the barre, and after was found
not guilty, and y heire of the sayd *D.* brought
assise of Mortdauncester against the lord by
Eschept, & shewed all this matter, and after
was awarded that the saide heire shoulde
reouer seisin of the land: for that, y if y sayd
D. were on lyue, that he shoulde be acquitted
by the acquital of the said *A.* and that he can
bee no accessarye of felonye when there is
none. *M. 33. C. 1.*

*I*t writ de Tuo is such.

*R*ex vic salut. Prez A. qd iuste & c. reddat
B. vni mel. cu pti in p. & aduocatiōem
ecclesie eius ville de quibz C. annis prez B.
cuius heres ipse est fuit seisi in dnico suo,
vt de feodo die quo obijt, vt dicit. Et nisi fecerit et

rit & p^{re}b B. f^{er} te sec^{un}d &c. tunc sum &c. Et
habeas &c. teste &c.

This writ lyeth wher^e mye graundfather
dyed seysed of lande, tenement, or rente in
fee simple, and a straunger dothe abate, then
I shal haue against him this writ, or agais^t
his heire, or his aliene, or against whosoever
that cometh to the saide landes and tene-
ments in what manner soeuer he is in. And
in the same maner lyeth a writ of Cosinage,
that is to say, where my graundfathers fa-
ther, or mye great graundfathers father, or
other Cosine, and so to the, ix. degree & dyed
seysed in fee simple, & a straunger enter, I
shall haue a writ of Cosinage, & not a writ
of Wile: for that, & it passeth the writ of Wile.
And note ye, that a writ of Cosinage lyeth
in the discent lineal. And it is to knowe that
the lineall discent is from the father to the
sonne, but if the lande discent from the sonne
to the vncles sonne vpon abatement, he shal
haue a writ of Cosinage. And note yee: that
assise of nouel disseisin, Mortdauncestoz, Wile
Cosinage & Ruper obijt, are onely writs of
possession, and not mixt with the right, but
assise of Nouel disseisin is of his owne pos-
session. And the other are of the possession of
the auncestour to whom he is next heir. And
note ye, & a man shall recouer no damages in
the sayde writtes but in those that damages
are geuen by statute, or by & comon law, & of
damages loke in & stat of Gloz. Cap. i. And

D. iij.

the pro.

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The proces is in this writ, Homōs, Grañde
Cape, & petit cape &c.

Addicion.

A generall writ of Ayle was brought, & it was challenged, for that, that his aūres-
tour died not in Englād, but tooke his iour-
ney toward the holy land, & came not again,
in which case hee shal haue a like writ as he
should haue in assise of Mortdañcestoz, but
þ excepciō was not allowed. for it hathe not
been seene in a writ of Ayle. *H. 13. C. 2.*

The writ of Ayle was precipe &c. qđ redd
vnam bonatā terre et vnam bonatam Mar-
resci, and the writ was abated, for that, þ
the organge is alwaies of a thing that lieth
in gaynour. *H. 13. C. 3.*

In a writ of Ayle, a release was pleaded
of þ same grañdfather & a warrantye, & the
opiniō of þ court was that, & was no barre,
except he say wout that, þ he died seiled, & so
it was pleaded. *H. 13. H. 4.*

A writ de Super obijt.

R Ex viē salut. Si A. fecerit &c. tūc sum &c.
B. qđ sit corā iusticiē nr̄is &c. tali die ostēd.
quare defozt p̄fat A. rationabilē ptē suā q̄ ei
cōtingit de hereditē, q̄ fuit J. de M. p̄ris sui
fratris, sororis, aui, auie, auūculi, amite cōsā
guinei p̄red A. & B. cui⁹ heredes ipsi sūt. Et
qui nup obijt vt dīr. Et habeas &c. teste &c.

This wyte lieth where a man hath manye
heires that shal equally enherite as manye
daughters

daughters or sonnes (if it be in Kent) and dis-
 ed seised of certaine landes or tenements hol-
 den in fee simple, if any of these coheires en-
 ter into the lande and holde these other out,
 then these that are holden oute shal haue the
 sayde wyte agaynst the coheire that is in.
 And the proces is, as in a writ of Ayle. And
 note ye, that a wyte of Nuper obiit, and a
 wyte of Ryghte de rationabili parte, lyeth al-
 waies betweene princes of bloud, but a writ
 of Mortdauncestour, Cosinage, and a writ
 of Ayle, lyeth alwayes against a straunger.
 ¶ Note ye, if any be deforced of their reaso-
 nable parte, it behoueth to be brought by all
 those, that are deforced, & not by one of the,
 for albeit, & these other wil not sue for their
 reasonable part, she shal bring this wyte &
 all their names that are deforced, and thys
 wyte shalbee retournable, and if they will
 not sue, he that wil, shall haue a writte called
 summonias ad sequendum simul, and if they come
 not at this writ, the other that will sue shall
 bee receiued to sue, and to pleade against his
 person that is deforsour in right of his part,
 & shal haue iudgement and execucion for her
 porciō. ¶ Note ye, & this writ shalbe brought
 by coheire against coheir, and not otherwise:
 for if anye other auncestour enter, & clayme
 by the same discent that I claime by, I shal
 not recouer against him by the sayde wyte
 nor other writte, but enter vppon him. And
 if he put me out, I shal haue assise of Moud
 disseisin, or

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disseisin, or a writ of Righte, for assise of Mortdauncestour I maye not haue againste my cosin that claymeth by the same discent & I clayme by, for a writ of Mortdauncestour lyethe neuer betwixt princes of blood. And & writ of Right that is brought againste the cosin that claymeth by supza, shall not be determined as other writes of Right that is to say, by battaile or by graund assise, but by enquest that is in the place of the graund assise: for that, that the right is not to be tryed, but only & priuily of blood, & is to say, which of them are moze neere of blood to the auncestour that was last seised afore that theye are passed the thirde degree where they ought to claime by one discent, but batraill lyeth not betwixt sisters, where one is seised by chartour, & & other by discent, as it appeareth in Magna Carta de assisa eligenda, Note yee: if any straunger abate after the death of any comon auncestour al these coheires together shal haue their recovery against the stranger as one sole heir shal haue by a writ of Mortdauncestour.

Addicion.

In a Nuper obiit after that, & the tenant hath defended the woordes of the court, & & right of the demaundant, as a free man, he alledged that he was villein, whereby the writ abated, And note ye, when a writ is abated by exception of villenage, & writ lieth not against the lord of the villein, if & villeine be
not

not named, where the lord is not seised by
entre, for the lord shall not be tenant against
his will. H. 15. H. 3.

CA writ of Decies tantum.

Rex viē saluē. Si A. fecit te secutū &c. tunc
poni &c. C. D. & E. &c. qđ sint &c. tali die ad
rñd tā nobis qđ p̄fat A. quare cū in p̄hamē=
to dñi E. nup̄ Regis Angl̄ p̄genitoris n̄ri
apud westm̄ An. regni sui. xxxviij. tenē inter
cetera cōcordat̄ existat, qđ si aliquis iuratoz
in ass. iuratis vel alijs inquit. tionib⁹ capiēd⁹
inter nos et p̄tem vel partem & partē quic=
quam capiat p̄ ipsos vel p̄ alios a parte conq̄
rente vel defendente pro veredicto suo dicen=
do, & sup̄ hoc per processum in quodam arti=
culo de iuratoribus. Anno regni sui. xxxiiij.
fact̄ ordinat̄, conuincat̄ siue sit ad sectā par=
tis que pro seipso aut p̄ nobis, aut alterius
cuiuscunque persone p̄sequi voluerit, saluo
similit̄ iure illozū decies tantum quantū ipse
recepit, et habeat ille qui faciem sectam suam
medietatē & nos aliam. Et qđ omnes imbrā
ciatores dicendi vel p̄curandi tales inq̄st̄ in
patria p̄ lucro vel p̄ proficuo capiēd⁹ puni=
ant̄ eod̄ modo in forma sicut iurat̄. Et si iura
toz vel imbrāciatoz ita cōuict⁹ nō habet vñd
in forma sup̄radicta satisfactat̄, habeat p̄isofñ
vñi⁹ anni, put̄ in ordinat̄ p̄ed̄ plenius cōti=
netur p̄ed̄ C. D. & E. in quadam assisa no.
dist. qđ idē A. nup̄ arem̄ cor̄ delectis & fidelib⁹
n̄ris B. S. &c. iustit̄ n̄ris ad ass. in com̄ S.
capiēd⁹

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capiēd assign p bñe nñm veris? H. & alior in dicto bñi cōtent de tñ in C. ponit p dñcto suo in hac pte dicēdo ac pñd C. D. & E. imbraciatores eiusd ass. ad eam dicēd, & pñd rādo de pfato B. diuersas pecuniarū sūmas. Et alia dona apd R. ceper in nñm contemp & ipsius B. ad graue dampnū. Et conf for= mā ordinationis pñd. Et habeas ibi noui= na pleg. et hoc breue, teste ec.

Thys wyrt lyeth where Jurours hath ta= ken golde or siluer of the one partye or of f other to say their verdict. then by this wyrt they shall paye ten times as muche as they did receiue, and the party f suethe shal haue the halfe, & f king the other halfe. And those Embraceours that procureth such ēquests, and taketh money, they shalbe punished in f same manner, or if these Jurours or Embraceours hathe not, whereof theye maye make gree, they shall haue imprisonment of a yeaere, but noe Justices by hys offyce shall enquire vpon the saide pointes, but onlpe at the suite of the partye, and this recouerye is geuen by the statute de Anno. 34. Edwardi 3. Capitulo. 8. And the proces is, Attache= ment and distresse.

¶ Addicion.

In this accion popular, f defēdāt pleded a recovery in another acciō popular, f was brought against him by a strāger, & acquy= tance made to him by a straunger, the plain= tife may auerre the acquittance to be made by collusion.

collusion. *29. 35. 17. 6.*

In a Decimus tantum, iudgement of *ſ* writ was demaunded: for that, *ſ* the writ was, in loquela *q̄* fuit inter *J. P.* demaundat & *J.* *C.* deſor^e p b^ee n^m de iudicio de vno mel. where he ought to ſhe^w by what writte of iudgement: for that, *ſ* there is diuers writs of iudgemēt, as a ſeire facias to execute a fine, or a iudgemēt. For if the defendant wil ſay, *ſ* there is no ſuch recouerye. this iſſue is not certain, for *ſ* recovery is not aledged certain, nor ſtanding *ſ* writte was awarded good, for that, *ſ* he hath put *ſ* certaintie of *ſ* lande in *ſ* writ. And in ſuch a writ it is ſufficient to ſay, *In quadā loq̄la transgreſſionis vel debiti*, without moze, and yet the trespas is not certaine.

Note ye, that in a Decimus tantum & other actions grounded vpon the ſtatute *ſ* geneth to *ſ* party *ſ* wil ſue the one halfe. & *ſ* kyng *ſ* other, if the pty begin his ſutte, that *ſ* was popaler is made his proper ſutte, & *ſ* kyng, nor none other perſone may not releaſe nor diſpence, as to his intereſt, & the acquitall or cōdempnaciō of *ſ* party is a barre & a dyſcharge againſt al other people, but befoze *ſ* action begōne, *ſ* king may releaſe or pardō, & *ſ* ſhalbe a barre againſt al people, & *ſ* was graunted by al the court. *29. 2. 17. 7.*

In a Decies tantum againſt the Embracers, the pleintife ought to ſhe^w how they embraced, & where thēbracemēt was made, and how

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& howe he toke money, & howe he said to the
 Jury, & Danby said, though that they take
 money, & make no Embracery, the acciō ly-
 eth not againste them but other wise is of a
 Jury, if they take money to say their verdict
 if y party be nonsuit y accion lieth very well
 againste the, for that, y when they are swozne
 they are Judges. C. 37. H. 6.

¶ And note pee: if the iurours geue a true
 verdict notwithstanding y if they take money
 to say their verdict, they shalbe punished by
 this write. H. 21. H. 6.

¶ A write of Decies tantum was brough-
 t agaynst certayne personnes for takinge of
 money in assise brought by the pleyntiffe in
 this write and his wife, and excepcon was
 taken for that, y the wife was named with
 her husband in this writ and y excepciō was
 not allowed for this write is not geuen by
 reason of y tenaūcy, as attaint or Chāparty
 is, but it is to punish y Turie for y takynge
 of the money. C. 40. E. 3.

¶ In a Decies tantum, the verdict was found
 againste the iurours in this accion, y iurours
 were awarded to prisō, and it was awarded
 that y king & the party shal reccouer .x. times
 to the valure &c. as the statute will &c. And
 that the king shall haue the one halfe and y
 party the other halfe, & the iurours shal pro-
 fer that, y belongeth to the party in y court,
 and it was sayde that the kynge is princy-
 pall, for it is geuen by the statute that hee y
 will sue

Will sue for the king, the king hath geue him aduantage to haue the one halfe of that, & shalbe recovered, and it was answered & the king taketh not his suite as of debt due, but by way of a fine, and there where the kinge ought to take a fine, & party shalbe alwaies firste serued wherfore they payed the halfe to the pleintife, & found iurty to the kyng &c. And then they were deliuered out of the prison. C. 14. E. 2.

¶ *Writ de quare elecit infra terminum.*
Rex viū salut. Si A. fecerit &c. tūc lūm B. qd sit &c. tali die ostens. quare defozt p̄fat A. de r. acris f̄c cū p̄tū i. p. qd C. ei demisit ad terminū qui nondum p̄terijt, infra quem finium idem C. p̄fato B. terram illā vendidit occasione cui⁹ vendicionis idē B. p̄fat A. de terra p̄dicta elecit, vt dīē. Et habeas ibi lūm &c. Teste &c.

¶ *Thys writ lyeth where a man letteth lāds or tenementes to another for terme of yeres, within whiche terme the lessour enfeoffe another in fee, and the feoffee put oute & tenaunt of his terme, then the tenant shall haue this writ against the feoffee, and the proces is Homons, attachement, & distress, & the proces of cuttawrye, but the tenant in thys case may haue a writ of couenāt against his lessour if hee bee sufficient, & haue writtinge. And also because that this tearme is compared to mouable goodes and chateis,*
 this

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this writ was found by a discrete man called William Marton, so that by this writ, the tenant may recover his terme against the feoffee.

Addicion.

Note ye, & in this writ & lessee shal recover his terme & damages against & feoffee of his lessour. *H. 19. H. 6.*

In this writ against, R. the plaintiff declared that R. him deforced of an acre of lād the whiche one A. let to him for terme of years within which terme suche a daye &c. A. solde the land to this R. wherefore R. hym put out, the defendant said, & he hath nothig of & sale of A. & he was put frō that plee, for if it be found that A. had sold it, yet the putting out is not found wherefore he said that A. hath nothing in demeane, reuercion, or in seruice at the time & he solde the lande to vs &c. & & was not allowed, for he ought to answer to & putting out, wherefore he said & he did not put him out by the reason of & sale of A. &c. And note in the same plee if hee in the reuercion release to the disseisour, this writ of Quare eiecit infra terminum, lyeth against the disseisour. *H. 3. C. 1. D. 18. C. 2.*

And note & a mā shal not haue this writ, except & he haue possession in deede.

A writ de Eiectione firme.

R Ex vii sal. Si A. seil &c. tūc pone &c. B. qđ sit &c. tali die ostēd. quare vi et armis in manerium

in maneris de A. qđ C. plato A. demisit ad terminū x. annorū qđ nondū pterit, intrauit, & boi & catalla eiusdē A. ad balenē. x. li. in eodē manerio inuentū cepit, & asport. Et ipsū A. & firma sua pđ eiecit & alia enozmā ei intulit ad graue dāpnū ipsius A. & contra pacem nostram. Et habeas ibi nomina pleg. Et hoc breue, teste &c.

This writte lyeth in case where landes or tenementes are let to a man for tearme of yeares, within whiche terme a straunger of his own wrong putteth out the said tenant, then the saide fermour shall haue y^e said writ against the trasiger. And the proces is as in a writ of Trespas, for in this writte shalbee supposed that the tenant was put out wpyth force and armes.

Addicion.

Note ye, that this writte of Eiectione firme, is but in y^e nature of an accion of trespass, & y^e pleintife shall not recouer his terme that is to come but damagez, but he shal recouer his terme by a writte of Couenant against his lessour. H. 6. R. 1.

Note ye, y^e executours brought a writ of Eiectione firme & declared y^e their testator was put out, & y^e writ was qđ. Quere. C. 7. H. 4.

A writ de ingressu ad terminum qui pterit.

Rex vlt salut. Pđ A. qđ iuste &c. redd B. vñ mel. cū ptiū in A. qđ idem A. dimisit ad terminū

R. 1.

ad terminū

ad finem q̄ p̄terit ut dicitur. Et nisi p̄terit B.
 sed te fecit &c. tūc sum &c. Prefat. B. qd̄ sit
 corā &c. tali die ostēs. quare nō fecerit. Et ha-
 beas ibi sum, & hoc bene teste &c.

Thys wryte lyeth where landes or tene-
 ments are let to a man for tearme of yea-
 res, and the tenāt holdeth over his tearme,
 then the lessour shall have this wryte, but in
 place of this wryt he may have assise of p̄s-
 nel disseisin if it be in & firste degree (& is to
 say) if the lessour enter after the terme ended,
 & & lessee enter againe & put him oute, then
 lyeth the assise. And also it lieth in case wher
 landes or tenements are let for tearme of a
 strangers life, and the stranger dyed, and
 the lessee holdeth over his tearme, then the
 lessour shal have the said wryte or he may en-
 tre as afore is said. And in case that & tenāt
 for terme of life sell the land and died, thē he
 in the reuercion shal have the said wryt. And
 in case & the ternaunt for tearme of life be im-
 pleaded, and the land bee recovered againste
 hym, and died, then he in the reuercion shall
 have & said wryt in the post. And note pee, yf
 the reuercion of a ternaunt for tearme of yfse
 be graunted to a man, & the tenant for terme
 of yfse make feoffement, & dieth. It is said &
 he to whom the reuercion is graunted, nor
 hys heire may not hane & saide wryt: for that
 & he is a purchasour of the reuercion, & not
 lessour nor heire to & lessour. And note ye, yf
 this wryt lyeth not for hym in the reuercion
 after

after the death of the tenant in dower, or by
 & courtely, for they are not tenants for life
 by lease, but by & law. But if tenant for ye-
 res, or & Gardeine by knights seruices sell,
 then the lessour or the infant shal haue assise
 of Nouel disseisin, & not this writ, as it ap-
 peareth by & statute of west. 2. Cap. 25. which
 beginneth, Quia non est aliud breue &c. And
 & proces is in this writ, & all other wytes
 of Entre, graund Cape, & petite Cape. And
 note ye, that this writ of entre may be made
 in the Per cui & Post, as a writ of Entre or dis-
 seisin, And note ye, that in every writ of En-
 tre in the post, the writ shal say. Et vnde q̄-
 ritur &c. and in no other writ within the de-
 grees. And also i every writ of Entre wher
 a man demaundeth of the possessiō of his an-
 cestour, he ought to demaund by title: qđ cla-
 mat esse ius &c. but of his owne possession he
 shall make no title. Excepte it bee where the
 woman demaundeth her heritage, or ma-
 riage that was solde by her husband, or her
 dower of her first husband sold by the second
 husbände.

¶ Addition.

¶ A man made a feoffment of his land by
 Chartour, which was deliuered into an in-
 different mā hād vpo such cōdition & if he
 pay xx. li. to & feoffee at such a day, & he may
 enter in his lād, & & the Chartour to him be
 redelyuered, if not &c. In this case if the fe-
 offour paye the money at the day assigned,
 B. ij. and

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and the feoffee holde the land after the day, & obtaine the deede, the feoffour shall haue the said writte and after the money to bee payde.

M. 5. C. 3.

The husband & the wife let landes to one for terme of yeres, the husband dieth and the lessee held after his term, & died after whose death his sonne of his lessee entreth, & the wyfe bringeth the said writte supposing she hath no entry but by his father to whom she let for terme of yeres & is past, the tenant saith she her husband & she made lease iointly, & not she only &c. & she might not deny wherfore the writte abated, & no other maner of writte she may haue. **An. 8. B. 7. It can.**

If an abbot & is parson in parson let land for terme of yeres, & is of the right of his church & died, & the lessee hold after his tme, his successor shall not haue the saide writte, though he be annexed to his abote, & for he, his successor in such a writte ought claime his land in his right of his church & he holdeth as person, in which case he hath no other remedy by the statute, but a *iuris verum*, wherfore his writte abated. **C. 20. C. 3.**

**A writ de Ingressu dum non
fuit compos mentis.**

Rex hie salutem. Preter A. qd iuste & sine dilatione reddidit B. unum mes. cum pti in A. qd clamat esse ius & hereditatem suam: & qd idem A. non habet ingressum nisi per C. patrem preter B. cum

B. cuius hec ipse est qui illud et dimisit, dum non fuit compos mentis sue, ut dicitur. Et nisi fecerit &c. Teste &c.

This writ lyeth where a man selleth land or tenement, when he is out of his mind, and dyed, then his heire after his death shall haue this writ. And note ye: & it is saide that the auncestor selte shal not haue this writ: for that & he shal neuer bee receiued to disa-ble himself. Quere. And note ye: & thys writ may be made in & per Cui, et Post, as other writs of entyre. And & proces is Homons, graund cape, & petit Cape.

Addicion.

In this writ it was supposed, & the tenat hath no entre but by his auncestor & demised to & tenant. The tenant said & hee entred by one R. & not by his auncestor & & was holden no ples, for he ought to trauers & demise & not & entry. wherfore he said & he etred by R. wout that, & his auncestor let. C. 18. E. 3. Note yee: that in this writ of Dum non fuit compos mentis, omission of discent of him that mighte rende the estate of the partye of the demandant, shall not abate the writ though & he suruiue him of whose seisin hee demandeth, except & hee were seised. or had released, or had made felony, or had issue in full life. B. 12. E. 3.

Note ye: & if one being out of hys mynde make a feoffment in fee, after his death his heire may enter, for the issue was taken vpo
B. 11. the being

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the being out of his minde. C. 12. E. 3. Inf.
36. H. 6.

¶ Writ de Ingressu dum fuit
infra etatem.

R Et viē sal. Dicit A. qd̄ inſte ꝛc. redd̄ B.
q̄ plene etatis eſt, vt diē duas acras ꝛc cū
ptiſi in A. quas id̄ B. ei dimiſit dū infra etā
tem fuit, vt diē. Et niſi fecerit ꝛc. teſte ꝛc.

T Hys writ lyethe where one being wythin
age ſelleth his lande to him diſcended oz
of his owne purchace in fee, oz for reſtyme of
lyfe, when hee commeth to his full age, hee oz
his heire may reouer by this writ, but it is
conuenient that he be of full age at the day of
his writ purchaſed, but if ſ infant let his lād
for terme of yeres, and after he make a con-
firmacyon, oz releaſe wythin age hee ſhal not
haue the ſayd writ, when he commeth to his
full age, but hee may haue in this caſe aſſyſe
of Houel diſſeiſin: for that ſ the Infāt made
no livery of ſeiſin. And note ye: that if lande
in fee ſimple be ſold by one being wythin age,
the heire of the ſeller ſhall not maintaine the
ſayde wypte being wythin age, nor no writte
of Entre except it bee wythin the caſe of the
ſtatute of weſtm. 2. Capitulo. 4. 9. which be-
ginnethe. Durueu eſt enſement que nul ꝛc.
Alſo if the father being wythin age ſell lande
to him diſcended in taile and dyed hys iſſue
ſhall haue a Formedon in the diſcendye, and
not the ſame writte. And note ye: that if an
infant ſell his lande, hee may entre agaynſte
his owne

his owne feoffment, and if he be put out, he shall haue assise of Nouel disseisin when hee cometh to his full age, but when hee cometh to his full age it is conuenient for him to purchase the saide writ. And note ye: that an infant shall recouer in a writte of ryghte, or any other writte according to his case, for suche land that he hath of his own purchase. And also an infant shall bee charged to attourne by a writ that is called per que seruitia, vt patet per Iohannem Coplande termino Michael. An. 25. E. 3. But it is saide that he shal not be charged to attourne by a Quid iuris clamar. And note ye, that an infant maye maintaine a writ of Entre vppon a disseisin made to himself. And note ye: that if y. bring a writte of right as heires, the one being ~~in~~ in age the ples shall tarpe vntil her full age. If a man bring a writte of possession, as a writte of Ayle, Colnage, or assise of Mortdauncestour, and the tenaunt in any of these accions say that his auncestour was seyled of the same land in his demeane as of fee, after whole death he entreth as sonne & heire, & pray his age, if y. trowth be so hee shal haue his age. Otherwile is in assise of Nouel disseisin for that, y. the disseisin was his owne wrong. If an Infant bring any writte of possession against one of full age, he shalbe answered, as in a Formedon in y. disceder, if his auncestour died seiled as of fee taile: for that that it is in place of assise of Mortdauncestour, but yf there

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bee pleaded against him in the deede of hys
auncestour with assers by discent, & plee shal
tary: for that, & he within age may not con=
fesse nor deny & deede of his auncestour: But
if in assise of Novel disseisin, the deede of the
father of the Infant with a warrāt be pleas=
ded against him & assise shalbee awarded for
the auantage of & Infant to enquite of the
circumstances of the deede (that is to say) if
it be the deede of & auncestor. And if it so be
that the auncestour was of full age, and of
good memory, & if the land passed by & deede
or not, and if he be heire to him and for these
matters afoze loke the statut of Gloe cap. 2.
whiche beginneth. Si enfant deins age &c.
Note ye: that an infant shal answer where
he is scotted within age, & euerye other case
where he is in of his owne Intrusiō. The
same lawe is in a writ of Dowry where the
heire is bound to warrāty. The same law
is in appele if he be of the age of xij. yeares.
And note ye: if an infant sel his lād reseruīg
certain rent, and at his full age he recepueth
the rent, he shalbe barred of his accion. And
note ye: that an infāt may not sue an appele:
for that: & he maye not suffer imprisonment,
and also for that, that hee maye not make
raunsome.

Addicion.

¶ This writ was brought in G. the tenant
said that the blage of that towne is, when a
man can count .xg. d. and measure a yarde of
cloth,

cloth, then he is of age to sel his land. of such age was the demaundant when he demised: and for that, & he put not the age to certaine, so that the demaundant might haue answer, to & awarded was & the demaundant shoulde recouer. D. 13. C. 3.

C Note ye: & if the husband & the wife do sel land & he hath in right of the wife bothe being within age, after the death of & husband, the wife shal haue a Dum fuit infra etatem and this is in a writ of waste. M. 14. C. 3.

C If the husbände and the wyfe purchase land jointly & wife being within age, and the husband & the wife selleth al the land, & husband dyed, & wife shal recouer the whole by this writ. M. 22. C. 3.

C Note yee: & it is saide by Hake in assise, & an Infant of the age of xviij. yeres may be a disseisour with force & armes, & be imprisoned & answer to the wrong made by him &c. & if the infant pleade in barre (as hee wel may) & a title is made against him, hee shal answer to & title, or otherwise & assise shall be take & if he replie against & title whiche is found against him, it shal not be enquired if he haue anye other matter against & title, & & is for & wrong & is supposed in his yson, but when he is pleintif, & a barre pleaded against him & court of offices shal enquire for & infar: for that: that he knoweth not his best right, & & court hath power to enquire for & tenderneſſe of his age. C. 12. D. 4.

C Note

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Note ye: & it was holden by all the iustices, & the circumstaunces of a deede pleaded against an infāt, shal not be equired in a writ of Centre, nor in no other writ. but where there is a iury of the first day for & venire fac. is to trye one point certain. *H. 9. C. 4.*

A writ de Ingressu super diss.
in le quibus.

R Ex viē salut. Pzē A. qđ &c. redd B. vñ mel. cū pertiñ in p. qđ clamat esse ius et hered suā & de quo idē A. iniuste & sine iudic disseisuit C. pēm pzē B. cuius heres ipse est post pzīm transtē dñi regis &c. In vascon &c. Vel sic. In qđ idē A. nō habet ingressum nisi per C. cui A. illud dimisit q̄ iniuste & sine iudicio disseisuit B. patrē pzē B. vel āte=cessorē &c. cuius heres ipse est post pzīm trā=fretationē &c. Vel sic. In qđ idē A. nō habet ingressū, nisi p̄ dimissionē quā C. inde fecit B. patri &c. pzē B. cui⁹ heres &c. post pzīm &c. Et vnde querit &c. Teste &c.

Thys writ lyeth where a man is dysseised, and dieth, his heire shal haue & said writ against the same disseisour. And note ye: that this writ is not geuen but onely for & heire of & disseis (in what degree so ever hee bee.) And in this writ the demaūdant shal make tyle as heire from the auncestour that was disseised. And note: that this writ shal not tary for the nonage, as appeareth by the statute of westm. 2. Cap. 46. which beginneth.

Parucus

Curia est enserment. &c. It is said if þ for
saide writ be brought against the issue of the
aliene of the disseisour (yf he be within age)
then the plee shall not tarpe: for that, y it is
not within the case of the saide statute. And
the proces is in this writ, and al other writs
of entre that are plee of lande, and beginneth
precipe quod reddat &c. Somōs, graund cape,
and petit. Cape. And this writ shall say: de
quo vel de qbus A. dil. B. p̄m &c. cui⁹ heres
ipse est.

¶ Addicion.

¶ Note ye: of what things a man shal haue
the saide writ, he shal haue the sayd writ of
a Forge. H. 8. C. 3.

¶ If a fishing be graunted to an Abbot & he
ble the fishing in a seueraltie, if he be disseised
& died, his successour shal haue a writ of en-
tre for the ground. H. 13. C. 3.

¶ And note ye: þ a mā shal haue þ said writ
Precipe quod reddat pasturam ad duos boues and
this is to be intended þ this writ lieth not a-
gainst the lord of þ ground, for against hym
lyeth the Quod permittat. C. 4. C. 3.

¶ A man shall not haue the said writ of pre-
cipe quod reddat passagium vltra aquam. Gaunte
him that hathe the course of the water. but a
Quod permittat. C. 3. C. 2.

¶ A man shal haue this writ precipe &c. quod
reddat balliuam ad custodiendam per eum de
L. cū p̄tā quam clamat esse ius et heredita-
tem suam. H. 7. C. 3.

¶ Note

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Note yee that a man shall haue a precipe quod reddat of a thing that lieth in geuing as lande, rent, and such like, but of a thing that lyeth in takinge or sufferaunce to vse otherwise is as of Comon, Estovers, & such like wherof the party shal haue assise or a Quod permittat. **D. 4. C. 4.**

Writ de Ingressu super in per.

Rex vii salut. Prec. A. qd iuste & sine dilatione redd. B. vnu mes. cu pti in p. qd clamat esse ius & hereditate sua, et in qd idē A. non habet ingressu nisi p. C. qui inde iuste & sine iudicio disseisuit C. patrem p. B. cuius heres ipse est post primā trāstē dñi H. & c. et vnde qritur & c.

This writ lyeth where a man is disseised of hys free holde, and the disseisour sell to a straunger, or if the disseisour dye and hys heire entre, then the disseisie or his heire shal haue the foresaide writ against the alienour, or against the heire of y disseisour. And note yee: that liuing the disseisour no writ of Entre lyeth for the disseisie but onely assise of Nouel disseisin. And the writ of Entre shal be. Et qd idem A. non habet ingressum nisi per B. q illud ei dimisit qui iniuste & c. And if the disseisour sel the lād, and dyeth, & he to whom the land was solde sell to another, or in case that the disseisour dye, and his heyre entre, and the heire die, and his heire entre, then the disseisour, or his heire shal haue a writ

wryt of Entre for disseisin in the Per., et
 Cui. And the wryt shalbe thus. Et in qđ nō
 habet ingressum nisi p J. S. cui R. D. illud
 ei dimisit qui inde &c. And note if the dissey-
 sour sell the lande, and dye, and hee to whom
 the land was solde sell to another, & if second
 aliene sell the land to another man, or in case
 if there be three discentes of the disseisoures
 part, then the disseisie, or his heire shall haue
 a wryt of entre in the post, and the wryt shal-
 be. Et in quod non habet ingressu nisi post
 disseisinam qđ h. inde iniuste &c. And note
 ye: that. v. things putteth the wryte of entre
 out of his degrees (that is to say) Intrusiō,
 Eleccion, disseisin vpon disseisin, iudgement
 & escheit. First Intrusion is, where the dis-
 seisor died seised and a straunger abate, the
 disseisy or his heire shall not haue a wryte of
 Entre in the Per, but the wryt shalbe in the
 Post: for that, that the abatour is not in by
 discēt, nor by purchace, but only by his own
 wrong. The second cause is Eleccion, and if
 is where the disseisor is a man of religiō &
 dieth or is deposed and his successour stretch
 the disseisie or his heire shall not haue a wryt
 of entre in the Per, but a wryte in the Post,
 the cause appeareth. The third is iudgemēt,
 and that is, where a man recouereth against
 the disseisor, and after the disseysour dyed,
 the disseisie or his heire shall not haue a wryt
 of Entre in the Per, but in the Post. The
 fourth is disseisin vpon disseisin, and that
 is where

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is where the disseisour is disseised and dyed, the first disseisy oz his heire shal not haue a writ of entre in the per, but in the post. The first is escheite, & that is where the disseisour dieth without heire oz doe a felonye, for the which he is attainted, & dieth. The lord entreth as in his Escheit, & disseisy oz his heire shal not haue a writ of entre in the per, but in the post. the cause appereth. And note ye, that the writ of entre in the post is geuen by the statut of Marle in y last Chapter, which beginneth. *Provisū est &c.* And the proces is *Somōs, grand cape, & petit cape.* And note ye: y if the issue bring a writ of entre in the quibus, & the ternaunt pleade in barre a feofment, of the same father, the issue shal not be charged to answer to y deede, but he shal haue his writ for that: y this is no barre, but it is a trauers to the writ.

CA writ de Entre sine assensu capituli.

R Ex vobis salut. Preter A. qd iuste &c. reddi B. abbati sancti Augustini de p. vnum mel. cu pti in p. qd clamat esse ius monasterij sui pd. Et in qd idē A. nō habet ingressū nisi p C. quōd abbatū monasterij pd, q illud ei dimisit sine assensu & voluntate capit monasterij ptes, vt dicit. Et nisi fecerit, & pdict⁹ B. fecerit &c. Et habeat &c. Acste &c.

This writ lyeth where an Abbot oz Prior, oz any such that hath couent oz comō
seale

seale sellethland oz tenements that hee hath
in the right of his church, withoute y assent
of the couent, oz chapitour and dyethe, then
his successour shall haue the said wryt. And
knowe ye: that this wryte may be made in y
per, Cui, oz Post, as it appeareth by the
Register. And the proces is as in the wryte
next afoze.

CA wryt de Ingressu sur cui
in vita.

R Ex viē salut. Pzē A. quod redē B. que
fuit vxor C. vnū mel. cū ptis in p. quod
clamat esse i. & hered p. C. in qd id A. non
habet ingressum nisi per predictum C. quon
dam virū ipsius B. qui illud ei dimisit, cui
ipsa in vita sua contradicere non potuit, vt
dī. Et nisi fecit &c.

Thys wryt lyeth where a woman is ley=
sed for terme of lyfe in taylor, oz in fee sim
ple, and take a husband, and the husband sell
the lande and dyethe, the wife shall haue the
fozesaide wryt. And the Proces is graunde
cape and petite Cape. And note yee: that in
this wryte she shall make title, and the wryt
shal say: Quod clamat esse ius et hereditatem suam,
notwithstanding her own scisin. And if y wife
hath other estate thē fee simple as for terme
of life y wryt shal say Quod clamat tenere ad ter
minū vite sue & of fee taile. And in case y y hus=
bande & the wife purchase iointly, & the hus=
band sell all the land and dieth, the wife shall
haue the

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haue the sayd wyte and recouer the whole.
And by the statute of Westm. 2. cap. 3. whiche
beginneth. In casu quo vir. &c. will & if land
whiche the husbände hath in the right of hys
wyfe bee recovered against the husband and
the wyfe by default, after & death of her hus-
band the wyfe shall haue the foresaid wyte &
the tenant shal shewe the matter of his first
wyte, to whiche wyte the wyfe shal haue an-
swer, and if it be founde that the tenāt hath
no right, then the wyfe shall recouer by the
saide wyte. But if a man recouer agaynst &
husband onely the land that he hath in right
of his wyfe by default or accion tryed, & the
husbände dyethe, the wyfe shall haue assise, &
not the saide wyte: for that, that she was not
partie to the iudgement. And note ye: that
where a man is a stranger to iudgement he
maye haue trauers to the title comprised in
that iudgement, as in case that I bringe a
Formedon, & the tenant say, & another time
he brought assise of Mo. diss. against W. and
recovered of the gift of which hee bringethe
& this accion was meane betwixt & disseisin
made to him & his recouere. & demaund iudge-
ment &c. the demaundaunt said that by suche
a recouere you may not deferre the gifte, for
ye were not disseised, and that am I readye
to auerre &c. & & was thought a good plee,
but & party & is priuy shal not haue suche an
auerment, for that: & he is helped by attainit,
Errour, or Disceipt, after his case, & so no
mischief

mischiefe to him. And note yee: that if the wife bring her writ of Cui in vita: against the feoffee of her husband, and the feoffee vouch to warrant the heire of the husband that is within age, the plee shall not tary vntil his ful age: for that, that it is remedied by \S statute of westm. 2. Cap. 40. which beginneth. Cum quis &c. But other wise is, if the wife bring her Cui in vita: in the Wer, and Cui, & the tenant vouch him to warranty by wh \bar{o} his entry is supposed and he vouch over the heire of the husband that is within age, and pray that the plee may tary vntil his ful age, in this case the plee shall tary: for that, that the same statute is not other wise entended but where the alienor of \S husband voucheth to warraunt the heire of the husbnde. And note ye: that this accion lieth for the heire of the wife, for if the husbnde sell land that he hath in right of his wife, & the husband & the wife dyed, the heire shall haue the said writ. But if the wife be tenant in taile, and \S husband sell or the husband and the wife lose by default. It is sayd that the heire shall haue a Formedon in the descender, and not a Cui in vita. And note ye: that if the issue bynge the sayde writ of sur Cui in vita, of the sale made by his father he shall not be barred of accyon by the warranty of his father onely without \S hee hath to \S value of fee simple descended to him from his father \S made the warrant. And \S is geuen by the statut of Gloz cap 3.

S. i.

whiche

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which beginneth. **E**stable est ensement &c. And in case that the husband let land that he hath in right of his wife for terme of yeares and after make a confirmation for terme of lyfe or in fee, & the husband dyed it is saide & the wife maye not haue the Cui in vita. But assise of Novel disse. nor & heir of & wife after the death of the wife shal haue the said writ, but a writ of Centre sur disse. for & writ shall not suppose suche sale to bee made by confirmation, nor by release.

Addicion.

This writ of a Cui in vita was, quam clamat tenere sibi & heredibus de corpore &c. & sheweth not of whole gift, wherefore & writ abated, but in a Quod ei de forceat hee shall not shew of whole giste. **H. 4. C. 3.**

The saide writte supposeth that the tenant hath no entre but by one **S.** and the tenaunt saide that he entred by the saide **S.** and one **T.** his wife iudgement of the writ yet & writ is good. for though he that the husbände made a demise to **S.** & **T.** his wife, & they demised ouer to the tenaunt yet al shalbe compted the demise of & husband, wherefore the tenaunt pleaded to & accion. But if **S.** & **T.** had demised by fine otherwise should be, & & the tenant should haue pleaded so. **M. 19. C. 2.**

The said writ was brought against the husband & his wife, supposing that the wife hath no entre but by one **T.** to whom & husband of the pleintife demised &c. the tenaunt sayd

said that the husband and the wife entred by the said I. iudgemēt of the writ, & that plee was not allowed without traivering. & y^e wife onely entred. D. 33. E. 3.

If the husband and the wife, and y^e thirde purchace iointly, and the husbunde sel al the lande and die, the wife shal not haue a Cui in vita liuing the thirde: for that that they maye ioine in a writ of right but if y^e thirde die, she shal haue a Cui in vita of the whole, but yf the purchase was afore the mariage, then shee shal haue a Cui in vita, but of y^e halfe, no more then a Cui ante deuorcium. D. 36. E. 3.

If the husband bee seised of land for terme of life in the right of y^e wife: & therof make a feoffement by force wherof he in y^e reuerciō entre, & the husband dyed, the wife shal haue the land agayne. 9. E. 2. Li. ass.

If the husband discontinue land y^e he hath in the right of his wife, & die, if the wife accept part of the land in hame of dower: quere if she shalbe barred. D. 16. E. 3. D. 7. E. 3.

If a man geete lande to a woman vppon condicion that she shal sell the land, & to distribute the money for the soule of the feoffe; the wife taketh a husband, & after y^e husband and the wife sell the land and distribute the money according, y^e husband dieth, the wyfe shal not haue a Cui in vita.

CA writ de Ingressu cui ante deuor^e.

S. 9.

CB ex

Natura

R Ex vñ salut. Pzē A. qđ redd B. q̄ fuit
broz C. vñ mel. cū ptit in C. qđ clamat
esse i^o & herēd suā. & in qđ itē A. nō habet in-
gressū nisi p pzed C. quondā vñ i^o ip̄i^o B.
q̄ illud ei dimisit cui ipsa ante denozē inf eos
celebratū cōtradicere non potuit, bt dīz. Et
nisi fec̄ &c. Et habeas &c. Teste &c.

Thys wyte lyeth where a man selleth lande
that hee hath in the right of hys wyfe, as
afoze is said in the Cui in vita, and afterward
a diuorze is had betwixt them, then the wyfe
after the denozce or her heire shal recouer a-
gainste the scoffee his heire or his assignes,
or what parson soeuer that is in the lande.
And this wyte maye bee made in the Per,
Cui, or Post. And y proces is, as in y wyte
next afoze.

CA wyte de Ingressu causa matri-
monij pzelocuti.

R Ex vñ salut. Pzē A. qđ &c. redd B. vñ
mel. cū ptit in p. qđ id A. ei dimisit causa
matrimonij inf eos plocut. qui eā duxisse de-
buit in brozē & nondū duxit bt dīz. Et nisi
fec̄ &c. Teste &c.

Thys wyte lyeth wher a woman geueth
certayne landes tenementes, or rentes to
anye man byon condicion, that he shal mary
the sayde woman within a certayne tyme, if
the manne wyll not marye the saide woman
within the said tyme (betwixt them assigned)
noz if the man disableth himself as in taking
of another

of another woman to his wife in the meane time or be made a priest, so that she may not take him to husbände accorðinge to the condicion, she or her heires shal recouer the said landes against the said mā, or against who-soeuer be in the lande, by this saide wytte, for this wzit may bee in the Per, Cui, or Post. ¶ And note ye: that it is cōuenient that this condicion be made by indēture, or otherwile this wzit lyeth not. And the proces is as in the Cui in vita.

¶ Addicion.

¶ In a Cui in vita, the tenaunt sayde, that the sayd B. her husband gaue the same landes to the wife: nowe deimaundaunt, causa matrimonij prelocuti: and after tooke her to wife, &c. And so the effect of y gift &c. Deuon. If a man geue lande to a woman by fine, & the next day hee marie her, suppose you that the fyne is voyde: which proueth that by the espousels, the gyfte nor the graunt is not defeated. B. 7. C. 3.

¶ A wzit de intrusion.

R Ex viē salutem. Preter A. qd̄ sc. reddo B. vñū mel. cum pertiñ in p̄. qd̄ clamat esse ius & hereditatem suam, & in qd̄ idem A. non habet ingressum nisi per intrusionem quā in illud fecit post mortem C. que fuit vxor E. q̄ illud tenuit in dotem de dono predicti E. quodam viri sui patris predicti B. cuius heres ipse est vt dicit. Et nisi fecerit &c. teste &c.

S. ij.

Thys

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Thys writ lieth where the tenat for terme of lyfe or of another mans life, ternaunt in doſwer, or tenant by courteſy dieth ſepled of certayne landes & tenements, and a ſtranger entre, he in the reuerſion ſhal haue the ſaide writ againſt the abatour, or againſt whoſoever that is in the land after the death of ſuch ternautes. And note, that this wyte maye bee in the Per, Cui, or Poſt, as other writs of Entre. And note yee: that aſſiſe of Mortdaunceſtour, Wyle, Coſinage, Wile of darraine preſentment, and Nuper obiit, are called writs of poſſeſſion, in whiche writs a man ſhall recouer damages, Coſts, and the iſſues of the lande or tenement demaunded. And note ye: that a writ of intruſion in the tyme of vacacyon ſhalbee maynteyned for the ſuccellour againſt the abatour that is in, in any land or tenement that belōgth to his church after the death of his predeceſſour, and that is geuen by the ſtatute of Mark. Capitulo ultimo. And the proces is as in the Cui in vita.

Addicion.

The graundfather, father and the ſonne are, and the graundfather let lande to the father for tearme of his life, the graundfather and the father dyed, and a ſtraunger abate, the ſonne ſhal haue a writ of Intruſion and declare of the ſeiſin of the graundfather, and make diſcent by his father. H. 7. C. 3.

If landes bee let for tearme of life the remainder ouer in fee, the tenant for life died a ſtraūger

a strraunger abate, he in the remainder may
chose to haue a Scire facias, or a write of In=
trusion. B. 6. C. 2.

C writ de Ingressu ad comunē legem.

R Ex viē sal. Prez B. qd iuste & lū dilatio=
ne redd B. vnā bouatā tū cū ptiū in M.
quā clamat esse ius & heredit suā & in quam
idē B. non habet ingressam nisi p C. que fuit
broz D. q illā ei dimisit. & q illā tenuit in do=
tem de dono predict D. quondā viri sui, pte
prez B. cui heres ipse est: vt diē. Et nisi &c.
Et habeas &c. teste &c.

T Hys writ lieth where the tenāt for terme
of life, or of anothers life, tenant by cour=
tesye, or tenaunt in dower, make a feoffemēt
in fee, and dyeth he in the reuerciō shal haue
the foresayde wryte against whosoever that
is in the lande after suche feoffement made.
And note ye: that this write may be made in
the Per, Cur, or Post. And note pec, that it
is geuen by the statute of Westminster. 2.
Capitulo. 3. whiche beginneth. In casu quo
vir &c. p tēnant in dower or by the courtes=
ys loseth by default and dpe, he in the reuer=
cion shal haue the saide wryte, but if the te=
naunt by the lawe of England make a feof=
fement, or lose by default, and dyeth, he in the
reuercion maye recover by assise of Mort=
daūcestor, Wyle, or Colnage, notwithstanding
y seisin of y tenāt by y curtesy, as it appereth
by y statut of Gloē. Cap. 3. which begineth.

S. iij.

Estable

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Estable est q̄ si home de &c. wher hee mighte haue had y writ of entre at y comō law. And y proces is as in other writs of Entre.

Addicion.

In a writ of Entre at the comon law, the writ shewed not the death of the tenant for terme of life, wherefore the writte was abated by iudgemēt & after reuerled in y kings benche, for that, y there is no other fourme of writte. *M. 16. C. 3.*

A writ de Ingressu in casu prouiso.

Rex viē saf. Precipe A. qđ &c. redd B. bñ mel. cñ pñ in A. qđ clamat &c. et i qđ id A. nō habet ingē nisi p C. q̄ fuit broz G. que illud ei dimisit. vt q̄ illud tenuit in doſ d do: no pzed G. quōdā viri sui patris pō B. cui⁹ heſ ipse est, qđ p dimissionē p ipsā C. p̄fat B. cōtra formā statuti Glōſ de cōmuni consilio regñ Anglie inde p̄uis. factā in feod. ad p̄esat B. reuerſi debeat per formā eiusd̄ statuti vt diē. Et nisi fecerit vt supra.

Thys writte is geuen by y statut of Glōſ. Cap. 7. which beginneth. Enſement que si feme vnde &c. & lyeth where tenant in dower maketh a feoffement in fee taile, or for terme of life of the lesse (lyuinge the tenaunt in dower) he in the reuerſion ſhal haue thys writ against him that is in y land. And thys writ may be made in the Wer, Cui or Dost, as other writtes of Entre. And note yee that this writ lyeth duringe the life of the wife, & not after the death.

A writ

C writ de ingressu in consi-
mili casu.

R Ex vi^{re} sat. p^{re}et A. qd iuste & sine dilati-
one redd^o B. vnū mel. cū priū in A. qd cla-
mat esse ius & hereditatē suā, et in qd idē A.
nō habet ingressū nisi p^{er} C. qui illud tenuit
p^{er} legē Anglie post mortem G. quondā vxorē
sue matris p^{re}dicti B. cui⁹ heres ipse est. Et
q̄ post dimissionē p^{er} ipsū C. p^{re}fato A. ind^o facit
in feodo ad p^{re}fātū B. reueri debeat p^{er} formā
statuti in consimili casu p^{ro}uisi. Et nisi fece-
rit &c. teste &c.

T Hys writ is taken by the equitie of y^e sta-
tute of Glo^{re}. Cap. 7. and lyeth wher the
tenaunt for terme of lyfe, or by the curtesye
make a feoffment as afoze is saide, he in the
reuercion shali haue this writ against who-
soeuer bee in the land during the life of y^e te-
nant by the curtesy, or tenaunt for terme of
life and not after their deathe. H. 12. C. 3.
And this writ may be made in y^e Per, Cui,
or Post. And y^e proces in these two writz is
Somons, graund Cape, & petit Cape.

Addicion.

Note ye: y^e this writ was mainteined by
y^e tenant in taile in y^e reuerciō & y^e writ made
mencion of y^e taile. H. 21 C. 3.

Note ye: y^e this writ was purchased du-
ring the life of the tenant for terme of lyfe,
& hanging the writ the tenant dyeth, yet the
writ was awarded good. for that, y^e he was
a straunger to y^e writ and also the accion is
brought

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brought of \bar{y} alienacion. C. 6. E. 2.

If a man let landes for terme of life, the remainder to another in fee by fine, the tenant for terme of life made a feoffement in fee, he in the remainder in fee brought \bar{y} said writ and the writ was good by the opinion of the court, H. 28. E. 2.

Note ye: \bar{y} the graunt of the reuercion brought the said writ, & was iudged good: ex assignatione &c. H. 12. E. 2.

C A writ de cessante p biennium.

R Ex vi^{te} salut. H^{er}e A. qd &c. redd^o B. bñ mel. cū pñ in pñ qd id A. de eo tenet per certa seruicia. Et qd ad pñat B. reuer^{ti} debeat p formā statuti de cōmuni cōsilio regni n^{ost}i Anglie inde pñsi eo qd pñed A. in faciendo seruicia pñed p bienniu iam cessauit, ut dī^r. Et nisi fē^r &c. teste &c.

This writ lyeth wher my herpe tennant holdeth of mee certaine lands or tenements by the seruices of homage and fealty, & to geue to me euery yere at certain tearmes of the yere certaine rent of which seruices I was seyled by the harde of the tennant, then if hee cease, of the payment of the sayde rent by two whole yeares, so that I coulde not fynde a distres in the saide tenementes. s. no goods wherby I mighte distreine him to haue payde the saide rent but sufferethe the landes to lye freche without manurance after the said two yeres pass, \bar{y} said tenementes because

because of the cesse ought to reuert to mee, & the I may recouer by this writ against my tenaunt or his heire or against whosoever be in after the saide cesse by .ij. yeres. And note: if he against whō my writ is brought, come in court afore indgement geuen, and paye to mee the arrerages & dammages reasonable for the saide cesse, & fynde suerty (as the court will award) that he shall cesse no more of the payment of the rent, then he shal hold stil the saide tenementes, so that I shall not recouer by this writ. And note ye: that the heire may not maintaine this writ because of a cesser made in time of his aūcestour, nor shal haue no rent, suite, nor arrerages due in the life of his aūcestour. And also it is saide that this writte lyeth of the cesser of no seruices, but of perely seruices, as of rent and suche like, and not of homages, fealty, escuage, and reliefe, for these are no perely seruices. And note ye, that if I dye seyled of yearely seruices, and the tenaunt cesse the two yeares nexte after my death so that my heire was neuer seyled of the seruices, yet my heire shall haue y^e said writ against the saide tenaunt or his heire, or against what persone soever that is tenaunt, and he shal name him selfe heire to his father in the writte. And so is the statute of west. 2. cap. 21. whiche beginneth: Cum in statuto apud Gloz. &c.

¶ Addicion.

¶ In a Cessavit the writ was, that one I. holdeth

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holdeth certaine landes by certaine seruyces,
 & that the said A. hath cessed, & declared that
 A. holdeth of him the maner of B. whereof
 the Carue is parcel by certaine seruyces, &
 that the tenant hath no entre but by A. and
 the writ was challenged: for that, & he decla-
 red & the whole maner was holden of hym
 by certaine seruyces, & hee assigned & cessour
 but in the land demaunded & is parcel of the
 maner where he ought to haue assigned the
 cessour in & whole maner, & & exceptiō was
 not alowed, for & cessour shal not be assigned
 but in & land demaunded. C. 8. E. 3.

A Cessauit was brought against A. & decla-
 red & B. held of him, & & & tenements ought
 to reuert: for that, & the said A. hath cessed, &
 the writ awarded good. About speakinge of
 any entre. M. 29. E. 3.

In a Cessauit be found. iij. pledges and the
 court awarded if the rent be behinde after &
 the lord shall distraine in the lande of the
 pledges. An. 31. E. 1.

Two coparceners are intituled to haue a
 Cessauit, the one hath issue and dieth hee that
 suruiueth shall not haue the accion. Other-
 wise it is of iointenants. If & husband hath
 a seignioꝝ in the right of his wife, & & tenat
 cesse, & after the husband dieth, the wife shal
 haue the Cessauit. B. 33. E. 3.

In a Cessauit the tenant said that hee hath
 declared in the right of his church in & writ
 is not cōprehēded: qđ clamat esse iꝛ ecclesie,
 sue,

breuium. fo. 143

see, & therfore he demaunded iudgement, but
 & ples was not allosed: for that. & the abbot
 shal not make title in this writ, for that. & it
 is geuen by the statute. H. 10. C. 3.

Note ye: by H. 10. C. 3. a Cessauit lieth of suite
 of court if & lord hath a court, if not & tenant
 may alledge that. H. 33.

Cessauit was maintained by an insaunt for
 that, & it is geuen in place of anowye not-
 withstanding that it be a writ of right in his
 nature. H. 17. C. 2. H. 10. C. 3.

Note ye: & a Cessauit lyeth not for the do-
 nour against & donee but if land be geuen in
 taile & remainder ouer in fee, the chiefe lord
 shal haue a Cessauit against the tenat in taile,
 for that, that the lord shal not be barred by &
 acte of a stranger. C. 19. C. 3.

¶ A writ de cessauit per biennium

de feodi firma.

R Ex viz salut. Preter A. qd & redd B. bñ
 mel. cū ptiff in p. qd id B. eid A. dimisit
 ad feodi firmam reddend inde p annum etid
 B. ter pte seu baloz mel. pte. Et quod ad
 ipsū B. reuertidebeat p forma statuf &c. in-
 de prout. eo qd id A. insolatione firme pte
 p biennium tam cessauit, vt dicit. Et nisi &c.
 Este &c.

This writ lieth where a man geueth cer-
 taine lande in fee simple, or in fee tail pay-
 ing to him and to his heires in fee ferme by
 yere: that is to saye rent or to fynde to hym
 and

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and to his heires Estouers oz clothinge, the
 whiche charge so reserved to him and to his
 heires amounteth to the value of $\frac{1}{2}$ soverth
 part at least, oz moze, as to the third parte, oz
 the halfe, oz the very value of the land oz te-
 nement so charged, then if the saide fee ferme
 be not payd by two whole yerres. nor that he
 may not finde distress in the said tenementes
 within the said. ii. yerres, then shall he oz hys
 heire recover against the tenant by the soze-
 said writ. And note. $\frac{1}{2}$ no man may distrayne
 for these charges but wher those tenements
 are geuen in taile as afoze is saide, oz $\frac{1}{2}$ they
 were geuen in fee simple afoze the statute of
 Quia emptores terrarum &c. for if tenements bee
 geuen in fee simple after the statute afoze-
 said a man may not distrain. And note pee: $\frac{1}{2}$
 the heire shal not haue this writ because of
 such charge behinde in time of his aūcestor.
 And the proces is in this writ graūd Cape,
 & petit Cape.

¶ A writ de Cessante de cantaria

per biennium

R Ex bis salat. Pres. Johani abbat de A.
 qd reddat B. unū mel. cu. pñ. in A. quia
 A. pat. pñ. B. cu. hoc iose. est dimisit. C. quō
 dā abbati et succ. suis abbatibus de A. pñ.
 ad inueniendū quēdā monachū pñ. anūab.
 pñ. A. & hered. eiusd. A. in abbat. de A. pñ.
 diuina celebrat. Et qd ad pñ. B. reuert
 debet per formā statuti de comuni consilio
 regni

regni nri Anglie sup huiusmodi dimissione
puiti, quia pzet Johānes inueniēd pō mo-
nachū p biennium cessauit, vt diē. Et nisi fe-
cerit &c. Teste &c.

This writ lyeth where a manne geueth
landes to any churche to find for the soule
of him and his auncestours and his hetres,
a candell or lampe before the Sacrament
to burne for a certaine time, or to do anye al-
mes, viz. as to clothe or feede certaine poore
people every yere, or to do deuine seruice in
any chapel for their soules &c. vt supra. The
if the saide charges be not done, and y a man
may not finde distres vpon the grounde by
two yeres, then he or his heires shall haue
the said writ after the said two yeres paste,
against whosoener y is tenant after y celloz.
And note ye: y these writs aforesaid may be
made in y Per, Cui, or Post, but I beleeue
y this writ may not be made but in the first
degree. And y proces as afoze is laide.

Addicion.

In a Cessauit against a prest of chaunterie,
supposing that he holdeth the same tenements
of the wife of the demandant by the seruy-
ces to sing every Sunday in the yere masse
and mattins & that he & al his predecessors
hath holden the said tenements by suche ser-
uices, time out &c. the which landes to them
ought to reuert, for that, y he hath celled by
ij. yeres, & for that, y the statut is, qd cōpes-
tat accis donatozi aut eius heredi, and y hee
hath

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hath not declared that it was donour, oz of
whose gift he holdeth the land, the writ was
abated. 19. 7. R. 2.

CA writ de contra formam collationis.

Rex vic salut. Prescripe A. abbati de M. qd
ec. reddat B. vñ mes. cñ pñ in D. qd ei
dē domui collatū fuit in liberā elemosinā p
predict B. Et qd per alienationē p predictū
abbatē contra formā collationis predicte in
de factā in feodo ad pfatam B. reuerti debet
p formā collationis predicte, vñ dñ. Et nisi
fec. vt supra Testes &c.

This writ lyeth where a man geueth
landes oz tenementes, oz rent to any Ab-
bot oz priour of any house of religion, oz holy
churche to haue & to holde to him and to his
successours in pure almes oz otherwise to
finde certayne poore people, oz to make cer-
taine diuine seruice as afoze is said in þ writ
of Cessante de cantaria, then if the saide abbot oz
priour, oz any of his successours make a feof-
fement with assent of the saide tenementes
to þ disherison of the house oz church as for
terme of life of the lessee, in taile, oz in fee, he
that so did geue the saide tenementes oz hys
heire shall haue the saide writ against þ so-
neraigne of the said house oz church þ made
the feoffment, oz against hys successour, yf
the feoffours be dead, & not against þ feoffee
that is tenant of the land, as it appeareth by
the statute of Westm. 2. capitulo. 41. whiche
beginneth

beginneth cum statuit dominus rex &c. and whē
he hath recovered against the abbot, the shal
go a writ of execucion to y^e sherife to deliuer
seyn of y^e lande. And y^e proces is Somons,
graund Cape, & petit Cape.

¶ Addition.

¶ Note ye: y^e if an aduowso^r be geuen to an
abbot in free almes, & graunt y^e said aduow-
son, at y^e next auoydance the donour o^r hys
heirs may presēt, for y^e that he may not haue
a Contra formam collationis. 19. 20. C. 3.

And note ye: y^e when hee hathe recovered
against an abbot in this writte, & hath a seire
facias against the tenant, he may trauers the
accion of the demandant in y^e same point y^e
was tried afoze betwixt the abbot & the lord,
for that, y^e this recouere bindeih no strāgers
but priues, as in other cases. 19. 23. C. 2.

**¶ A writ de forma donationis
in the discendze.**

R Ex vi^e salutē. Hec A. qd̄ iuste &c. redd̄
B. vnū mēl. cū ptiā in M. qd̄ C. dedit et
B. & C. v^oxi ei⁹ & heredibus de corpore B⁹ ip-
sorū B. & C. exeuntibus. Et qd̄ post mortem
dictorū B. & C. pfato B. filio & heredi p̄dic-
torū B. & C. p̄ formā donatiōis p̄ed̄ discē-
dere debet. Et nisi fecerit &c. Teste &c.

This writte liethe in case where a man gee-
neth certaine lands o^r tenements, o^r rent
in free mariage, that is to say to a man with
his colin in mariage, o^r to a man & his wife

¶ i.

and

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and to the heires of their two bodies begotten, or to a man & to his heires of his body begotten (males or females) if that man or woman, to whom the lande is so geuen hath issue of his body & died, & a straunger abate, or if the donee make a feoffment of those lands by fine or without fine, or if he bee disseised of those tenementes, or if a man those recover by defaulte in the kinges court. then after the deathe of the same man to whom the lande is geuen, his heire of his body begotten shall haue the said writte. And note yee: that tenementes in such maner geuen are called tailed lands. And note ye: that the heire of such tenauntes shall neuer haue other writ of the possession of his auncestour, then the saide writ, but of his own possession, he may haue assise of Mortal disseisin or a writ of Entry vpon disseisin according to his case, and the Formedon in the descendre is the writte of Right to the heire in taile. And note ye: that it is a good barre in the saide writte to pleade the feoffment of the auncestour with a warranty, & that the tenant will auerre that the heire hath assets by descent in fee simple notwithstanding the statute of Westm. 2. cap. 1. which beginneth. *In primis de tenementis* &c. if y heire in the taile hath assets by descent vt supra, & he hath issue & make a feoffment of the assets that is in fee simple, and dyed though y his father had assets by descent and was barred, this heire shall not bee barred.

for every heire in the taile is p^rlay to recouer
the land tailed except that he hath aduātage
by discent in fee simple. Other wise is where
a man maketh a feoffment of the land & hee
hath in right of his wife in fee simple that he
holdeth by the courtely & dieth, and value in
fee simple discenteth to his issue & is heire
to the wife, though & the heire sei the fee sim-
ple after & hath issue & died, that issue shalbe
barred to demaunde of the seisin of hys mo-
ther: for that & his father was barred at one
time. And note ye, that if the father tenaunt
in taile in possession enter in religion and bee
professed, his heire shal haue the saide writ,
& it shal say thus. Post q̄ pater suus habitū
religionis assūpit &c. But if & father make
a feoffment afore the entrie in religion, the
sonne shal not haue & sayd writ during & na-
tural life of his father. And it is said, & if the
tenaunt in the taile dye without issue of hys
body, so the land is reuertible to the donour,
yet the wife of the tenaunt in taile shal haue
her dower. Also it is saide, if lande bee geuen
to a woman & to her heires males of her bo-
dy begotten, if she toke a husband and hathe
issue female, & the wife dye, & husbände shall
not hold by curtesy for that, & it is impossible
& the issue female shal enherite, but if lād bee
geuen to a man, & to his heires males, it is
sarde that if he hath issue male and dieth, the
issue hath fee simple. And note, that a man
shall laye the takynge of the profytes in a

C. ij.

For medon

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Formedon in the descender onely in the person of him to whom the land is geuen in the taile, & the demaundaunt in this accion shal make him selfe heire to the auncellour that was last seised. And note ye: if the tenaunt in taile hath issue a sone & a daughter by one woman and a sone by another woman, & dieth & sonne by the first woman entred & by another seised, & sone by & second woman shal inherite & not & daughter, for he is moze worthy of blood, and moze neere heire to the father to whom & land was geuen, otherwile is of land in fee simple. And note ye: how the demaundaunt may maintaine the said writ where the tenant pleadeth that the donour did not geue &c. the demaundant may saie & he shal not haue his auermēt, for one J. M. impleaded my father, & he vouched the same J. & entred into the warranty, & pleded and lost & same land & now is in demaund iudgement &c. And note yee, that in a formedon in & descender a warrant of any of & auncellours by whō & heire made conueiāce is no barre, except & he hath land in fee simple descended to the value.

Addicion.

¶ Land was let for terme of life, the remainder in taile, the tenant for terme of lyfe dyeth, & the tenant in taile, hath issue & dieth, & & issue bringeth a Formedō in & descender, & alledgeth no esplees in the donour, but in & tenant for terme of life, & after his deathe in him

him in the remainder in taile, & the declaracion was chalēged, for that, y he alledged no esplees in the donour, & the exceptiō was not alledged. D. 8. E. 3.

Tenant in taile exchaunged the land taylor for land in fee simple (by deede) & bound him & his heires to warranty, & hath issue & dieth, & the issue bringeth a formedon & the tenant pleadeth in barre the deede with warranty, & the land takē in exchaunge by waye of assise, y was holden no barre, if the heire hath not occupied y land taken in exchaunge after y death of his aūcestoz. An. 18. D. 8.

The tenant in taile afoze y statut made a release for terme of life, & released afoze the statut y is a barre to his heire. D. 44. E. 3.

In a formedon of rent, the warrant of y aūcestour & assets is a good barre, yet y rētyeth not in discontinuance, but at the wil of the issue but it is the sōly of the issū to bring his accion. D. 33. E. 3.

Note ye, that if the wife tenāt in tail take a husband, and hath issue, & afoze the statute they both make a feoffement in fee of y lāds and ope in a formedon the heire shal not be barred. other wise is if it had been by fyne.

E. 4. E. 2.

A formedon in y discender was brought of a knyghts fee, & the writte was challenged for that, y the fee lyeth not in demean, for he hath declared y the aūcestoz was seised as of fee & of right, & laid y esplees, as in homage,

E. 11.

escuage

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escuage, reliefe, ward, mariage, & other manner of issues of knightes fee, as of fee and of right, & Gerard said, that a comon to a certayne number of beastes noz aduocowsh ipeth not in demeane, but a precipe quod reddat, and a writ of right ipeth of a knightes fee, and by demaunde of a knightes fee I shall reconer by chaunce, xx. ii. of ret &c. & it was said that he shal neuer haue other writ. C. 10. C. 3.

In a Formedon the writ was chalenged for that, y it wil that A. & B. his wife hathe geuen exception was taken, because that the gift of the wife is boide during the mariage, & Herle said, that if the wife after the death of the husband had confirmed the gift y was made by her and her husband, that then the gift was made stedfast, and the writes was awarded good. A Formedon was broughte by A. G. & J. his wife, & it was saide when the sonne is seised after y death of his father the writ shalbe. Et q post mortē pdictorum J. & M. fil' & hered' predicti J. pfato B. &c. To y they are seised euery one shall bee made heire to another, but whē they were not seised y writ shalbe. Et q post mortē pdictorum J. et w. filie. An 19. C. 2.

In a Formedon in the discender by assent of the parties, a deede was shewed to proue the gift, and it was such. Sciant &c. qd ego Hugo Blot dedi concessi &c. Hugoni B. filio Hugoni B. & filijs suis masculis de cor pore suo legitime pcreatis manerisi de B. &c. ha=

ec. habend. & tenend. maneriu. p̄d sibi & filijs
 suis masculis de corpore ec. de capital dñis ec.
 Et q̄ eorū diutius vixit gaudebit in feodo et
 hereditat imppetuū. Et si cōtingat p̄d hus
 gone in sine herede masculo, de corpore suo le-
 gittim p̄creat obire, qd̄ ex tūc manet p̄d ec.
 mihi & hered̄ meis reuertatur imppetuū, &
 vpon this deede it was demurred in iudge-
 ment if the donee hath fee simple, or fee tail,
 & the opinion of the courte was that it was
 good taile. C. 11. B. 2.

¶ Writ de forma donationis
 in the remainder.

R Ex viē salutē. P̄d A. q̄ ec. redd̄ B. vñ
 mel. cū p̄m in p̄d q̄ E. debet D. & her̄ de
 corpore suo exeunt. Ita qd̄ si id̄ D. sine her̄
 de corpore suo exeuntib⁹ iheret p̄d mel. p̄fat
 B. et hered̄ suis remaneret. Et qd̄ post mor-
 tem p̄d B. p̄fat B. remanet debet p̄ formā
 donationis p̄d eo qd̄ p̄dictus D. obijt sine
 hered̄ de corpore suo exeunti, vt dicit. Et nisi
 fecerit ec. teste ec.

This writ lyeth where lande or tenement
 is geuen for tearme of life or in taylor to
 a man, and for default of issue of his body to
 remaine to another man, as afore is saide, in
 fee, or for tearme of life, then if the tenant for
 terms of lyfe dye, or the ternaunt in taylor die
 without issue of his body, & a straunger en-
 ter, hee in the remainder shal haue the sayde
 writ. And in case p̄ the remainder be graun-
 ted in taile, and hee in the remainder dyethe

C. 11j.

seised

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seised by force of the remainder, the issue of
hym in the remainder shall haue noe other
writ but a writ of Formedon in & discender,
but if he in the remainder was neuer seised,
the issue shall haue a formedon in the remain-
der & not in & discender. And it is said, wher
lād is let for terme of life, & remainder ouer,
& the tenant for terme of lyfe is impleaded,
& vouch to warrant his lessour &c. & the te-
nant for terme of life recouer other lād in va-
lue, hee in the remainder after the death of
the tenant for terme of life shall recouer by a
formedon in the remainder those lands so re-
couered, as well as if the tenant for terme of
life had continued his estate in those landes
recouered against him, for that, & the tenant
for terme of life recouered to the value by &
same taile vpon whiche the remainder was
tailed, Otherwise is of a reuercion, for that,
& he hath recouered vpon another deede then
vpon the deede by which the reuercion was
graunted, but if the tenant had vouched him
to whom the reuercion was grāted because
of the reuercion, and he had vouchēd ouer &
lessour, and had recouered to the value, the
reuercion shall be to him to whom & reuercion
was graunted & not the lessour. And note
ye, & if tenant in taile make a feoffment w
a warrant, or release with a warrant, & dye
without heire of his bodye, so that hee in the
remainder is heire to him, hee shall be barred
wout discret of assets, for that, & this warrant
is not

is not restrained by y^e statute. And if the tenant for terme of life make a feoffement with warrant or release with warrant, & die with out issue, so that he in y^e remainder is heire to him in a Formedon in the remainder he shal be barred by y^e deede with warrantye, except y^e the warranty be defeated in the life of the tenant for terme of life.

¶ And note pe: that after the viewe the tenant shalbe receiued in a Formedon in the remainder to demaunde what hee hath in the remainder, and except y^e he hath writing to shew, all times hanging the plee, he shalbe barred, and yet the tenant may take no issue vpon the deede but ought to answer to the gift, & if the said writt bee brought by him to whom y^e remainder was tailed after y^e death of the tenant for terme of life, if he demaunde fee simple, or fee taile, he ought to lay the esplees in the person of y^e donour, as of fee simple, and in the person of the tenant for terme of life as of free holde, but if hee demaund by remainder, but for terme of life, he shall laye the esplees onely in the person of him y^e made the deede.

¶ Addition.

¶ If the remainder be tailed to a woman & shal take a husband, y^e writt shalbe Remainedre debet, to y^e husband, & to the wife, & so it is of a Formedon in y^e reuertor, but in a Formedon in the discender, it shalbee to the wyte onely. H. 29. H. 6.

¶ In a

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CIn a Forzmedon in the remainder, the tenant demaunded what he had of $\frac{1}{2}$ remainder, & so the other said $\frac{1}{2}$ he brought assise of $\frac{1}{2}$ No uel diff, of $\frac{1}{2}$ same lands, & $\frac{1}{2}$ tenant in the assise pleded in barre & he made title of $\frac{1}{2}$ same gift, & the gift was found, the Demaundaunt was iudged psonable by $\frac{1}{2}$ recouery to maintain this accion wout shewing other deede, & yet $\frac{1}{2}$ pleintif toke nothing by the assise, for that, $\frac{1}{2}$ it was found that $\frac{1}{2}$ pleintif was not disseised. **D. 10. C. 3.**

En a fozmedon in the remainder, the party neede not shewe no deede vnto y^e partye deimaunde what hee hath of the remainder, but if executours bzing an action they ought to shew y^e testamēt wthout desire of the party defendauit, for the court shal not hold plee, except that the testamēt bee shewed, & that in debt. An. 36. E. 3.

**CA Soit de forma donationis
en le reuerter.**

R Ex viē saluf. Prez A. q ec. redd B. vni
mel. cū ptiā i M. qd C. pater pō B. cū
heres ipse est debet D. & J. vxo ei, & heres
de corpozib⁹ suis exeunt. Et qd post mortem
ipsoi D. & J. ad pfa B. reuert debet p iorū
donationis pō eo qd pō D. & J. obierit sine
hered de corpozib⁹ suis exeuntib⁹ vt diē. Et
nisi fecerit ec. tette ec.

This wyse lyethe where landes or tene-
ments are geue in y^e taile as afore is said,
if the

if the tenaunt die without issue where there is no remainder, & a stranger enter in y^e said tenements, the donour or his heir shall haue his recovery by this writ. And note ye, that this writ lyeth after the death of no tenaunt but after the death of tenaunt in tail. And note ye, y^e in this writ y^e esplees shalbe laide in y^e person of the donour, & in y^e persō of the donee. And y^e pces in these. iij. writs is So-
mōs, graund Cape, & petit cape.

¶ Addicion.

In a Formedon in the reuerter y^e tenaunt said, that the gift was made to the donee & to his heires, and assigns iudgement of the accion. & y^e was holden no plee wout traue-
sing the gift. C. 2. B. 6.

In a Formedon in y^e reuerter, the tenant said y^e the gift was made to him to whom ye suppose y^e gift in fee with warrant iudgement if cōtrary y^e deede &c. C. 17. E. 3. C. 33. E. 3.

Note ye, y^e if the donour hath issue two sonnes, & the eldest sonne die wout issue in y^e life of y^e father & after the father dieth, if the yongest sonne bring a Formedō in y^e reuer-
tour, he shal not make mēciō of his brother, except y^e he suruiued his father. B. 18. E. 2.

¶ A writ de Particione facienda.

R Ex viē sal. Si A. fecerit tūc suū &c. B.
qđ sit &c. tali die ostensur⁹. Quare cū ibē
A. & B. in simul & p̄ in deuiso tenent quendā
boscū in A. cū pertiū de hereditat, q̄ fuit A.
patris

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patris p̄dictorū A. & B. cuius heres ipsi sūt
in p̄dictē B. particionē inde inter eos secūd
legē & cons. regni n̄ri Angl̄ faciendā cōtradiē
& eā fieri non p̄mittit min⁹ iuste vt dīē. Et
habeas ibi & c. teste & c.

Thys write speche in case where a man is
seised of lands and tenements in fee, and
hath two daughters and dieth. or seised of
land in Gavelkind and hath issue. ii. sōnes.
& the one wil not make particiō of the lands
so descended, & other & will make particiō,
shall have this writ against her, or him that
will not, for that, that they are heires to the
said man jointly & c.

Addicion.

In a Particione facienda against C. and A.
his wife, of lād that descended to them as co-
sins & heires to one B. the tenant saide that
B. in his life enfeofed one J. in fee, whiche
J. enfeofed the saide C. in taile wythoute
that, that the pleintife, & A. wife of the saide
C. helde in comon or vnderided the day of &
write purchased or ever after, and this is a
good barre. An. 39. B. 6.

In a Particione facienda of land and rent the
tenant said that the auncestour enfeofed a
straunger of the lande whose estate & tenant
hath, & as to & rent, he said & he was sole te-
nant, & out that, that he holdeth vnderided,
& the p̄lee was challengeyn so much & he is
no title to the land by any feoffment nor other
tytle and shalbe intended tenant as the writ
supposeth,

supposeth, and the opinion was, that \bar{y} plee
is good. \bar{H} . 4. \bar{H} . 7.

Note ye, that it is said, \bar{y} tenant in comon
ne iointenant shall not bee compelled by the
lawe to make particion, but if it be made by
agreement, it is good as well without deede
as with deede, \bar{H} . 3. \bar{H} . 4.

A writ of Particione facienda brought by the
husband and the wife against the other par-
cener, and declared howe the husbände and
the wife as in the right of the wife, and the
other parcener helde in comon certain lande
& conueied the discent from the comon aun-
cestour &c. \bar{y} parcener came by gardeine: for
that, that she was win age, & might not de-
nye that they helde in comon by the maner,
but Herle saide, \bar{y} he could not see howe the
particion can be made as long as she is with
in age by writ but out of \bar{y} court it may wel
be as in the countrey: for that, \bar{y} she may de-
feat it when she will. \bar{D} . 8. \bar{E} . 3.

\bar{C} A writ de premunire facias.

R Ex vi^o Catusat^o sal. Cū in statuto in pli-
amento dñi regis Anglⁱ scilicet apud Winton
An regni sui. 15. tento edito inter cetera ordi-
natū sit et stabilitū, qd si aliq^s impetraverit
aut psecut^o fuerit seu impetrari vel psequi
fecerit in cui⁹ Romⁱ vel alibi aliquos pcess^o sū-
monias, excomunicāō bullas instrumēta, vel
alia q^{cūq} qⁱ tangunt nos, coronā regalem,
seu regnū n^{ost}rū & illi qⁱ ea in d^ei regnū n^{ost}rū
detulerint

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detulerint aut ea receperint, vel in d^o notificacionē, seu aliā executionē quācūq; infra idē regnū n^om seu extra fecerint: ipsi notarij, p^ocuratores, mandatōres, abettatores, fautores & cōsiliarij sui extra p^otectionē n^oam ponāt, & terre tenemēta, bona, & catalla sua sint nobis forissacti. Et q^o ipsi p^o corpora sua attachent si poterint inueniri, & corā nobis & consilio n^oo ducātur ad rēdendū ibid^o super casib^o supradictis vel p^ocessus fiat versus eos p^o p^omunire fac^o modo quo ordinatum est in alijs statutis de p^ouisoribus & alijs q^o in alienis cū in derogationē regalie n^oe p^osequantur p^out in statuto p^oed^o plenius continet. Jam que ex graui q^orela s^o. de E. acceperim^o q^o licet cognitiones p^oitorū transgressionū, cōtēptuū aliorūq; laicorū cōtractū quorūcūq; infra R. n^om Anglie qualiscūq; facti & perpetrati ad nos coronā & dignitatē n^oas specialiter p^olineat. Quid tū R. obert^o C. nuper de s^o. in cōm tuo statuti p^oed^o minime pōderans machinans nos & coronā n^oam exheredat & cognicionē h^omodi p^oitorū de transgressionibus q^o ad nos & coronā n^oam sic p^olineat ad illud examē extra regnū n^oum p^oed^o trahere & p^oed^o s^o. ac alios de subditis n^ois indebite p^ograuare & aduersus curiam R^om se diuertebat, et ibid^o absq; licencia n^oa adhuc residat atq; q^o plures p^ocessus sentencias et citationes vers^o ipsū p^o. ad ipsū s^o. ac alios de subditis n^ois p^odictis ext^o reg. n^oum p^odictū trahendū ad respondendū p^oefato p^oposito

posito dicta curia Rōm extra regnū nostrū Angl^e de quibusdā trāsgē sibi ut dic^t illatis ac quā plura alia nobis & cozone nre p*re*iudicialia ibidem p*ro*secutus fuit eaq*ue* per J. R. nuper de C. Gent apud W. p*ro*nunciari, publicari, notificari, & exē demandari fecit & fieri p*ro*curauit in nri contemptū & p*re*iudiciū & exheredationes cozone nre periculum manifestū, et ipsius W. dampnum nō modicum & grauiamen ac contra vim formam et effectū statuti p*re*dicti. Nos natū illud inuolabiliter obseruari, et illud impugnantes iuxta eorū demerita castigari volentes et puniri. Et quia p*re*dict^{us} W. fecit nos secū de clam suo p*ro*te per A. B. C. D. de F. tibi p*re*cipimus quod per bonos et legales homines de balliua tua p*re*munire facias p*re*fat^{um} p*re*positū et J. R. p*ro*curatorem, manu tentorem faulcore, cōsiliarium, auxiliatorem, et abbettatorem ipsius p*re*positi in hac parte: quod tunc sint coram nobis a die Pasche in. xv. dies h*ab*icun*que* tunc fuerimus in Anglia ad respondendum tam nobis de contemptu & p*re*iudicio p*re*dictⁱ q*uam* p*re*fat^{us} W. de dāpnis & iniurijs sibi in hac parte illatis. Et ad faciendū vteriq*ue* & recipiendū q*uod* curia nra cōsiderat in p*re*missis. Et habeas ibi nomina eorū per quos eos p*re*munire fac et hoc breue nos de die & loco quibus dictam p*re*munitionem sibi feceris sub sigillo tuo distincte & aperte tunc certificans &c. teste &c.

Thys

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Thyss writte lyethe where any prouysoure
sueth proces to the court of Rome agaiſt
the preſent of the king oz of any other patrō,
then the preſent of the king oz other patrone
ſhall haue, this writ which ſhalbee directed
to the ſhiriffe: commaunding him to warne &
prouysour, that hee diſtourbe not the preſent
of the king oz of any other perſon. Alſo theſe
prouysours, procuratours & notaries ſhal
be attached by their bodies, and put in pry-
ſon vntil ſuch time that they haue made fine
& raunſome to the king, & gree to the party.
And after & they haue made raunſome, and
gree yet after & they bee deliuered they ſhall
finde ſuerty that they ſhal not ſue by them-
ſelle ne by other in & court of Rome ne other
places for ſuche impryſonment & raunſome.
And if thoſe prouysours, attourneys, execu-
tours, pcurators, notaries may not be found
then the exigent ſhalbe awarded agaiſt the
& a writ ſhal go to take their bodies aſwel
at the ſuite of the party as of the kinge, & in
the meane time the king ſhal haue the pro-
fites of the ſaide benefice ſo by ſuche prouys-
ours occupied excepte abballes, prouours,
and other houſes that hathe colledge oz co-
uent. And that is geuen by the ſtatute de
Anno. 20. E. 3. in the myddes. Looke more
of thys matter in the laſte Chapter of the
ſame yere. And alſo in the, 27. ycare of the
ſame king.

Addicion.

Note

Note ye, & a Quare impedit, brought by the king, & he declared & the defendant him disturbed by prouisiō sued to & court of Rome, & are at issue vpon that point, & found for & king, yet the iudgement shal not be geuen according to the statute, nor & partye shal not haue & paine & is geuen by & statut, but it is great euidence in & other writ brought vpo the statute. *Id. 3. B. 6.*

Note ye, by & opinion of many, a mā may haue this writ against one, as procuratoure against another as counsellour, & against & thirde attorney, & the damages shalbee taxed severally. *An. 36. B. 6.*

In this writ some made default, & some appeared: & for that, & the writ was naught it was abated, & no iudgement geue against the & made default. And & statute is in curia Rom vel alibi, & which alibi is to entende in & byshops courtes: for if a man bee sued there for a thing & belongeth to & cōmon lawe, he shal haue a Premunire. *Id. 5. E. 3.*

And note ye, & it hath ben & opiniō of many, & if a clerke sue another clerke, or other man in & court of Rome, of a thing spiritual where he may haue remedy of & in his ordinarie court wīn & realme, & is wīn the statute, but I beleue & it is no law. If a lord in court barō hold pte of det of. xl. s. or aboue which ought not to be demanded but in the kings court, it is said & & lord shalbee in case of a Premunire. *Id. 9. E. 4.*

U. 1.

C & writs

Natura

CA writ de Quare et defor̃.

REx hie lat. Prez A. qd̃ sc. redd̃ B. unum
mel. cū p̃tū in M. qd̃ clamat esse i^o de ra-
tionabili dote sua vel qd̃ clamat esse i^o ad ma-
ritag. suū, vel qd̃ clamat tenet sibi & hered̃ &
corpore suo exequit̃, vel qd̃ clamat tenere ad
fmiū vite sue et qd̃ idem A. ei defor̃. Et nisi
sc. nō dicat iniuste deforceat, quā le iniuste
non habetur in statuto. Nota q̃ p̃ tenet per
legem Anglie nō cōtinet b̃e in statuto sicut
alibi potest manutene per illud statutū in
consimili casu.

Thys writc lyeth where tenaunt in taylor,
frankmarpage, doxwer, courtesy, tenaunt
for terme of lyfe, for tearme of another mā's
lyfe, loseth by default their landes, then the
selues shall have this writ against him that
recovered, or against his heire, or agaynst
what person soever be in the tenauncy. And
note ye, that this writ in his nature is a writ
of right for the foresaid tenants, for a writ
of more hie nature then this maye they not
have for their tenements. And note yee: that
thys writc lyeth for no other person but for
hym that lost the said lands. And is geue by
the statute of West. 2. Cap. 3. in the end: And
the Proces is Somons, graund Cape, and
petit cape.

Addicion.

Note ye: that vpon a reconere by default
in a writ of wast Quod deforceat lyeth not but
a writ of Disceypt. C. 21. h. 6.

If landes be let to a woman sole for terme of life with warranty and shee taketh a husband and they lose by default, a Quo ei de forceat, lyeth not during the life of the husband, for the writt supposeth that they haue loste where the husband hath nothing but by reason of his wife so was not he tenat for term of life, and also they shall not haue the voucher, for the writt supposeth quod clamat ad vitam of the wife, in whiche case the statute geueth no such vouchers but where y tenat by courtsey in taile, or for rearme of life lost &c. and the husbände is none of those. But in this case y wife shal haue a Cui in vita after y deeth of y husbād, but if they had had a tolt estate, the y Quod ei de forceat lieth. *M. 4. C. 3.*

A man hath issue. ij. sones, & is seised of lād tailed in Gauekind y is prable betwixt heires males & dieth & they entre & lose by default, they shal ioine in a Quo ei de forceat, & y writt shal be. Quod clamat tenere sibi et hereditibus de corporibus eorū &c. And it is impossible that they shall haue issue betwixt them. *M. 46. C. 3.*

And note ye, y the demandant shal not declare of whole gift nor y tenat shal not haue hearing of y record, if a man recouer by default in a seire fac. But of a fine against tenat in taile, & he brought a Quo ei de forceat, & y other maintained y title of his first writt, the tenant in tail may voucher, & yet in the seire fac. nō, no voucher lieth &c. *M. 29. C. 3.*

A. ij.

CA writ

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CA writ de warrantia carte.

R Ex bis sal. **P** De A. qd iuste &c. warrantizet
B. Unū mel. cū pñ in C. qd de eo tenet
clamat & unde cartā suā habet ut dicit vel sic
unde cartā C. patris, mētis, fratris, sororis,
& sic de singulis cui⁹ hec ipse est, ut dicit &c.

T Hys writ lyeth where a man hath enfeof-
fed mee in certayne landes or tenementes
with clause of warranty or releaseth or con-
firmeth my estate with clause of warranty,
& the tenant is impleaded of the same lands,
or tenements of a straunger, then if y tenant
may not bouche to warranty, he shall haue
y said writ against his feoffer or hys heire.
And note yee: that if this plee be not begun
during the first session. the tenaunt shall be
barred for euer to haue his writ. **Quere.**
And the **Proces** is in this writ **Simons**,
Attachement & distress infinite, & if he come
and plead, & after make default, then shal go
the graund distress in the place of the petite
Cape.

C Addition.

In a writ of warrant of **Chartours**, the
pleintife declared y the defendant him enfe-
offed, & y he was impleaded, & he pñsed the
defendant to warrant &c. And the defendant
said that the pleintife was not tenant y dayes
of the writ purchased iudgement &c. And the
pleintife said that he is tenant of y land, and
bath the deede of y defendāt, & that was al-
lowed, but he was compelled to say that hee
was

was tenant & day of the writ purchased &c.
But if he had said at the first, & hee was te-
nant by his warrant the day of his writ pur-
chased, & had ben very good to dereigne the
warranty. C. 3. E. 4.

If a man recouer a warranty by a wyte
of warrant of Chartours, & after hee is im-
pleaded in such an acciō that he may bouche
if he bouche not he shal not recouer in value
by force of & arraignment of the warrant, &
it was said, & if tenant in taile of rēt charge,
releffe the rent to & tenant of the lande, & the
tenant make a feoffment of the lande wth
a warrant, the warrant extendeth to the rēt:
for that, & the tenant was seyled of the lande
discharged.

CA writ de Diem clausit
extremum.

REx dilecto & fidei suo A. escaetori suo in
com L. sal. Quia A. de B. q̄ de nobis te-
nuit in capite diem clausit extremū: ut acce-
pim⁹ vobis mandamus, qđ ōnia terr̄ & ten̄
de quib⁹ idē A. de B. fuit seisi⁹ in dñico suo
ut de feodo in balliua tua die quo obiit sine
dilaē captas in manū nr̄am, et ea saluo cul-
todir̄ fac, donec aliū tibi mandam⁹ & p̄ scrip̄
proboē & legal' hominū d̄ balliua tua p̄ quos
rei veritas melius sciri poterit diligent' inqū-
ras, quant' terr̄ & ten̄ d̄ A. de B. de nobis te-
nuit in capite tam in dñico q̄ in seruic' i dicta
balliua tua die quo obiit & quantū de alijs,

U. 19.

& per

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et per quod seruiri & quantū fce & tefi illa vale-
at p annū in omnibus exitib⁹ & quo die idem
d. obit & quis ppinquior hec ei⁹ sit & cuius
etatis. Et inquisitū inde districte & apertē factū
nobis in cancellariā nra sub sigillo tuo & sigil-
lis eorū p quos factū fuerit sine dilacione nut-
tas: et hoc breuē. Teste &c.

This writte lyethe by the statute of **Marl.**
Cap. 16. whiche begynneth. Si aliquis
heres &c. where a man holdeth his lande of
the kyng as of his crowne by knights ser-
uice, and dieth, he that is his next heire or a-
nye man, for the kinge may sue this writte to
the eschetour of the same county where the
lande lyeth and hee shal enquire who is hys
next heire & quantite of the landes, and the
value, in this writ is no proces, for it is but
a writ of office.

Addicion.

Note ye: that if it be found diuers offices
in diuers counties. & in one county that the
heire within age, in the other county that the
heires is of full age, that & is best for & king
shalbe taken and the heire shal haue no tra-
uers to that, **M. 33. D. 6.**

If a man hold of & king by homage & fe-
alty for al maner of seruices & dieth his heire
of full age, & sue a *Niem clausit extremum* & it is
found afore the eschetoꝝ & he holdeth of him
by homage fealtie & xlii. if hee sue liuere ac-
cording to the enquest he shalbe concluded du-
ring his life. **44. Last.**

And

And note þe: that there is five maners of enquerers ordeined after þe death of þe kinges tenant. One is Diem clausit extremum and that is immediate after the death of the tenant. The second is Melius inquirendo, and that is where the elchetour or the tenant in þe Diem clausit extremum dieth, or where þe Diem clausit extremum, is not returned. The thirde is Que plura, & that is where any lād is let out. The fowerth is deuenerunt, and that is where the warde dieth. The fift is mandamus, & that is after the per. An. 4. b. 7.

CA writ be Estate probanda.

R Ex elcactori suo in com D. sal. Quia W. de B. filius A. de B. q̄ de castē nō de R. tenuit p̄ seruitē militare dicat se plene etatis esse & p̄f a nobis fr̄as & ten̄ sua q̄ fuit de her̄ sua sibi reddi, p̄ q̄d volumus q̄d idē W. apud C. dat⁹ & in ecclesia eiusd̄ ville baptisat⁹ fuit ut dicit̄ eratē suā probet corā te. tibi p̄cipimus q̄d ad certos diem & locū quos ad hoc p̄uideris p̄bationē illā p̄ sac̄m tā militum quā aliorū p̄bōrū & legat̄ hoīm de ballua tua p̄ quos p̄batio illa & verit̄ erat̄ p̄d melius sciri potest & inq̄ri capias, & p̄bationē illam sic cap̄ nobis sub sigill̄ tuo et sigillis eorū per quos cap̄ fuerit sine dilatione mitt̄, et hoc breue teste &c.

This writ lieth where the heir of þe kinges tenant by the writ aforesaide is founde Min age, & when he cometh to his ful age hee shal haue this writ wherby he shal p̄oue his full

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full age, and thys wyte hath no proces for that, that it is a wyte of office. And note pe: that those of the Chauncery holdeth for law, that if the heire sue his lands out of y kings handes, whiche was seised by reason of his nonage, that hee ought to sue this wyte in euery county where y hee is founde within age, as it appeareth. C. 20. E. 3. And note pe: y euery one y passeth in this equest shalbe of the age of xliij. yere at y least, so that he was of full age at the time y he which surch y wyte was bozne.

¶ A wyte de quo minus.

Rex viē sal. Pē tibi qđ nō pmittas B. fac bastā seu distraccionē in basto ipsi⁹ B. in N. quo min⁹ A. rationabile estouariū suū in basto illo habere possit, sicut illud habere debet & solet, vt dīc & sicut rationabil' &c. Ne āpli⁹ inde clamor aud. p defect iustitie. C. &c. **T**hys wyte lieth where a man hath graunted to another housbote oz haybote in his woods to take euery yere, & he that graunted may not haue his reasonable Estouers, then the grauntoz shall haue this wyte, & it is the nature of a wyte of waste: And the Proces is Attachement and a distress peremptoꝝpe.

Note pe: y Housbote is called certai Estouers in another mans woods to amend a house, & hepbote is called certaine Estouers to amend hedges.

¶ A wyte

¶ **A** writ de ad qđ dampnum.

R Ex tali escaetori talis com. precipim⁹ tibi qđ p scēis pbozū & legalū hominū d val-
lūa tua p quos rei veritas meli⁹ scire pote-
rit diligent inquiras si sit ad dampnū vel p-
iudiciū nēum vel aliozū si cōcedam⁹ dilecto
nobis in Christo magistro & fratrib⁹ sancti
Iohannis Jerusalem in Anglia quod ipsū
vnum tostū cū pertiū in N. p feoffamētum
J. & vnā acrā tē cūptū in W. p feoffamēt
B. qđ id mē & frēs pō J. & B. post stat d tris
& tētis ad manū mortuā nō ponēd edit ac-
quesierunt, & q occasione eiusdem statuti nēi
cepit in manū nēam tenere posuit eisdē
magistro & frīb⁹ & sucē suis imperpetuum
iuxta formam feoffamentozum predictozum,
necne, & si sit ad dampnum vel preiudiciū
nostrum vel aliozum tunc ad quod dampnū
et quozum qualiter et quomodo & de cui⁹ fe-
odo tostum illud et terra sunt de quo vel q-
bus teneant: & per quod scruiē & quantū va-
lent per annum in omnibus exp. Et si terre
& tenementa predictozū J. et B. remanent,
vltra predicta terras et tenementa Mō et
fratrib⁹ predictis sic adquesit suffiē ad ser-
uiē et constet tam de predictis tenementis sic
adquisit q de tenementis predictozum J. et
B. retent debet fac & ad omnia alia enozmia
ec. Et qđ id J. et B. in assisa &c. put añ fe-
offament predict ponī consueuerunt, Ita qđ
prima per feoffamenta illa in ipsozū J. et
C. defectum magis solito onerēt seu grauet,
et in

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et inquis. inde distincte & apte facta nobis in
canē nra sub sigillo tuo et sigillis eorum pēt
quos facta fuerit sine dilatiōe mittas. Et hoc
breue. Teste &c.

Thys writ lyeth where a man selleth or
geueeth lande or tenement to any house of
religion in mortmaine, at the beginning it is
conuenient that this writ be sent to the es-
chetour of y same countie where these lāds,
or tenementes are, to enquire, & extent of the
lands, and what prejudice shalbe to the king
and to the chiefe lord, yf they bee sold to
mortmaine. And when the eschetour hath
enquired these pointes and other circumsta-
ces comprised in the writ, hee shall returne
the writ accordyng as it is found by the en-
quest, and after that, he shal make fine to the
king for the alienacion of the landes and te-
nements. And then he shall haue a chartour
of licence. For the statute de religiosis: wpll
that no man shal sell lands or tenements to
mortmain. Ne no mā shal take lands in such
maner and if he do the lande shall be seised in
the kinges hand, as Escheit. Et vide Mag-
na Cart. Cap. 36. whiche beginneth. Non
liceat alieni &c. And the statute of Westm. 2.
Capitulo. 32. whiche begynneth. Cum viri
religiosi &c.

TA writ de quo warranto.

REx viū sal. Sum p bonos sum. A. qd sit
cozā iustit nris apud Westm tali die ostē.
quo

quo warranto tenet visū franci plegij in vill
de B. in p̄tudiū hūdzedi n̄i de B. sine licen-
tia et voluntate nostra vel p̄decessorū n̄orū
quondam regum Anglie, & emendas p̄ trā-
gē assise panis & seruicie in eadem cepit in p̄-
iudiciū nostrum non modicum & grauā-
men, vt dī. Et habeas ibi sūm et hoc b̄reue.
Ceste &c.

Thys w̄rite lyeth where a man vsurpethe
certein franchises against the king, as to
haue wayffe, straiſſe, market, faire, court ba-
ron, or other suche like without good t̄tle,
& without the kings licence, & that be p̄se-
ted afoze ꝑ Justices of Eire, when they are
in those parties where such fraunches are v-
surped, thē shal go ꝑ foresaid w̄rit for ꝑ king
to the shirife, that he cause him to come that
hath vsurped the fraunches, at a certain day
afoze the same Justices and if hee maye not
shew a good warrant or ꝑ he come not, then
the king shal take from him his franchises.
And note ye ꝑ this w̄rit may not be determi-
ned afoze any Justice, but ꝑ Justice in eire
& no proces lieth in this w̄rit but he shal be
swarned vpon his parill.

Addicion.

Note ye if the king graunt to any mā frā-
ches to haue a gaole, if he wil not make cost
to haue deliuerance, but holdethe the people
in prison ꝑ are taken for suspect, ꝑ king hath
cause to seale ꝑ fraunces in his hand though
hee let within his fraunches, so that he may
enquire

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enquire of such felons, he hath no power to deliuer thē, but they ought to be deliuered afoze iustices of y^e gaiol deliuere. H. 8. H. 4.

If a mā hath a market to hold every weeke of y^e fryday, & he holdeth the market both of the fryday, & of the munday, in this case nothing shalbe forsaited, but that, y^e he hath vsurped, but if a mā hath a faire to hold two daies & he hold y^e faire. iij. daies he shall forsaite al for that, y^e he hath misused the fraunches & if a man hath a faire to hold y^e friday, and he holdeth that on the munday y^e fraunches is forsaite, and he shal make fine for the misuser. An. 22. Li. ass. p. lito. 34.

¶ **Writ de Idemptitate nominis.**

Rex Thes. & baronib⁹ suis salut. cū A. per sum nram distringat in com⁹ H. ad soluēd⁹ vi. marcas ad op⁹ nrum p qd breue in Can⁹ nra p ipsū A. impetratū, vt dicit. Et idē A. nullum breue in Can⁹ nostra pro fine nobis protestand⁹ impetrauit, sed pro idemptitate cuiusdam hominis idem nomen & cognomen portantis eodem com⁹ existent per ministros eiusdem vi⁹ ad eand⁹ pecuniam nobis pstan⁹ dam distringatur vt asserit vobis mandam⁹ quod fiet de super diligent⁹ inquisit⁹ Si inuenieris ita esse tunc ministros p⁹dictos ad distringendum p⁹dictum A. occasione p⁹dicta de cetero faciendū dist⁹ti fac. Et dist⁹ti si q⁹ ea occasiōe feceritis sine dilatione deliberari fac. ec. Teste &c.

Thes

This writt lyeth in case where any writt of Det., Trespas, Couenant, accompt, or anye such like is sued against a man, and another man that hath y^e same name as he hath against whom the writt is brought, he taken for him, then he that is so takē shal haue this writt, by vertue wherof the shirif shal make inquiry afoze iustices assigned in y^e same countie if he that is so taken or distreined be guilty or not, and if hee be not guilty, he shal go quit. And if he bee guilty, as the writt supposeth, he shal aunswere the partye that sued the firste writt, & in y^e same maner may this writt be set to the iustices of the comon bank, or to the tresourer & barons of the Eschequer & to eschetours vt supra.

A writt de Recto sardisclame.

Rex viē saluf. Done ad petitionē petentis corā iustis nris apud Westm. loqūā q̄ est in eom tūc, q̄ breuē nrum inter A. & B. de aueris ipsius A. captis, et iniuste detentis vt diē. Et sum &c. p̄dū B. quod tunc sit ibi ad respondendū p̄lato A. et seruī sibi debet facere. Et habeas &c. teste &c. Cū ista clausula, quia talis distū de feodo suo p̄o consuet seruī sibi debitis &c.

This wryte lyethe where the lord in the kynges court. & in the comon place auowv bypon hys tenaunt, & the tenaunt disclaimes to holde of hym, bypon this disclayment the lord shal haue this wryte and yf the lord may

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maye auerre and proue that the land is holden of him he shal recouer the land for ever, but where the tenaunt disclaymeth in courte baron or in the county, the lord shalbe amerced, and shall not haue thys wypte, for that, that the disclaymour is not of recorde, and all thys proueth the statute of Westm. 2. cap. 2. whiche begynneth. Quia domini feodorum &c. And the Proces in thys wyte is Hommons, graunde Cape, and petyte Cape.

Addicion.

Note ye: in what wyptes disclaymour lyethe: in a Per que seruitia the tenant shal not dysclayme, for the demaundaunt maye not recouer the lande if it bee founde agaynst the tenaunt: for that, that hee demaundet he nothyng but attournement. **P. 4. C. 4.**

In a Cessauie the tenaunt shall not disclayme, but hee shall saye that hee holdeth not of him.

Note ye, & in auowry the husband and & wyfe maye not disclayme, & for that & wyfes land shalbe lost. **P. 10. C. 41.**

Note ye: & he in the reuercion and the tenaunt for terme of yeares may disclayme agaynst a bayle. **M. 12. C. 4.**

Note ye, & the tenaunt in fee simple maye not disclayme agaynst & tenant for yeares of the seignioy. **M. 9. C. 4.**

Here

There beginneth the Iudiciall wrytes that
are grounded hypon recoveres in
the sayde wrytes.

A writ of Scire facias.

R Ex viē sal. Cū H. & W. in cū ec. tali die
& ann recogn se debet A. B. C. li. quas ei
reddidisse debuit in festo S. Martini tunc
pri. sequen & idē H. & W. pzed C. li. eidē A. nō
dū reddidit put ex grani qrela ipsius A. ac-
cepim. Et quia volum⁹ ea q̄ in dēa cū nra
recte acta sunt debīt executioni demādari ti-
bi pcpim⁹ qd per pzbos ec. scire fac pō H.
& W. qd sit corā ec. tali die ec. ostensuf si qd p
se habeat vī dī sciat quare pzed C. li. d frig
et cas suis in balliua tua fieri pdicto A. reddi
non debeāt si tibi viderit expedī. Et habeas
ibi nomina eorum per quos ei scire fecisti,
et hoc breue C. ec.

This writ is Iudiciall, and lieth where a
man hath recovered det or dammages by
iudgement in the kings court, and goeth out
of the record after the pere and day of f first
iudgement then for that, f it may be suppos-
ed that he hath made release or other acquit-
tance of that, that he hath recovered, he shal
haue this writte by whiche writte the partye
shalbe warned that he be afoze the Iustices
at a certain day to shew why execution of f
iudgement shall not be made and if hee come
not at the day, or if he come and can nothing
say, but f execution shalbe made accozdyng
as hee

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as he hath recovered, then he that recovered
shal have a writ of *Pieri facias* to the shirif that
hee make execution of the iudgement to the
pleintife, and that is by the statute of westm
2. Cap. 45. which beginneth. *Quia de his q̄*
recoꝝdata &c. And that wil that no pces nor
delay be in the saide writ, and of that, that is
found inrolled afoze the iustices of the com=
mon banke as of fines leuyed contracts, ob=
ligation, and recognisances that are reco=
uered afoze them, and enrolled in the kinges
court, & party that is greened neede not sue
a writ at the common lawe, but he may goe
to the recoꝝd and if the recognisance be with
in the yere and a day, the he shal have a writ
of execution to execute the same recognisance
that was made afoze the Iustices of recoꝝd,
and if the yere and the daye passe after the
cognisance made, then hee shal have a *scire*
facias to the shirife that hee cause the partye
to come at a certayne day, as it appeareth by
the saide statute.

Addicion.

C Note ye: that in these cases a manne shall
have a *scire facias* within the yere. If a man
recoꝝer debt against a woman & is unmarried,
and within the yere shee take a husbände
in this case he that recovered shal not have a
Pieri facias for he may not sue execution of the
goods of the husbände, but hee shall have a
scire facias. *M. 34. C. 3.*

If a man of religion recoꝝer damages &
dyeth

dieth wthin y^e pere, hys successour shal haue
a scire facias & not a Fieri facias though y^e ii bee
wthin the pere. *M. 24. C. 3.*

Note y^e it was said y^e a man shal not haue
other execution of r^et service recouered, but
to distreine Quere. A scire facias bzoughte a-
gainst. q. of damages wher y^e shirif returned,
y^e the one was warned, & that the other hath
nothing, & the pleintife preyed execution at
his peril, & it was said that in so muche, that
the one was warned hee maye not haue exe-
cucio afore the proces determined against y^e
other. *D. 1. H. 5.*

¶ A writ of Fieri facias.

R Ex h^{ic} lat. *D. x. tibi qd de fris & cat B.*
in ballua tua fiet scilicet *C. li. et eas habeas*
coram iustis n^{ost}ris apud westm^{onasterium}, tali die ad red-
dendū A. quas ei in curia n^{ost}ra coram Iustis
n^{ost}ris p^{er} considerē eiusdem curie n^{ost}re adjudicat^e
fuerūt p^{er} dāpnis suis, q^{ui} habuit occasione qd
p^{re}dict^e B. eum iniuste impediunt p^{re}sentare ido-
neā p^{er}sonam ad ecclesiā de W. p^{ro}ut p^{er} quantū
inquisitionē quā p^{er} te nuper fecimus conuic-
tus fuerit teste &c.

T Hys writ is Judicial and lyeth where a
man hath recouered det or damages in
the kynges court, then he that hath recou-
red shal haue thys wyte to the shirife com-
maunding him that he leuy the det or y^e da-
mages of y^e goods of him against whom the
recoutry was had and lyeth all times wth-
in the pere and the day, and is geuen by the

¶ i.

statute

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Statute of West. 2. Cap. 18. which beginneth:
Cum debitum.

Addicion.

If a Fieri fac. to leuy. xx. li. bee directed to þ
thirif, & he retorne qđ fieri fecit. x. li. quas ha
bro ad diē &c. at which day he hath not y mo
ney & a new thirife is chosen, in this case he
þ recovered shal haue a Scire facias, against þ
auncient thirif to shew why he shal not haue
execuē of þ. xx. li. & if he cā himself dyscharge
thē he þ recovered shall haue execuē against
þ old thirif by Fieri fac. or Elegit. B. 6. C. 4.

If a man sue execucio vpon a statut mar
chant, & the lands of the recognisour are ex
tended & put in execucion & the lands are ex
tended to hie, the recognissee may pray that þ
lāds be delincred to the extēdors, & he shall
haue execucion against thē by the statute of
Actō Burnel: by a Fieri fac. C. 11. C. 3.

If a mā hath iudgemēt in Detinue, execu
cion shalbe aſwarded by distresle against the
defēdāt, & a Fieri fac. of þ damages. B. 6. B. 2

A writ of Elegit.

R Ex viē sal. Cum A. q̄ fuit vxor B. in cur
nēa corā iustit nris apud w. p considera
tionē in eludem curie recuperasset verſ⁹ C.
de B. xl. li. quas idem C. in eadē curia nostra
tali die et an. &c. cogn se debere pfato A. vnō
et reddidisse debuit. x. li. ad festū tal' &c. & x. li.
ad festum tale &c. tunc prox. sequent & illas ei
nōdum soluit vt dixit. Et postea ead A. vesi
in curia nra. et elegit sibi liberari ōnia bona
& cat

& cat p^{re}dict C. p^{re}ter boues & affras de caruca
 sua, & s^uit medietatē terrarum suarum et
 tenementorū suorū p^{ro} rationabile p^{re}ciū & exten^{ti}
 tenendū vt liberum ten^{ti} suū iuxta formā stat^{uti}
 n^{ost}ri inde p^{ro}uiss^{et} quousque p^{re}dictas. xx. li. m^{od}
 leuauerit, & ideo tibi p^{re}cipim^{us} q^{uo}d omnia bona
 & cat p^{re}dict C. p^{re}ter boues & affras de caruca
 sua & s^uit medietatem terre & ten^{ti} suorū in
 balliua tua eidem M. sine dilatione deliberari
 fac^{iat} p^{ro} rationabile p^{re}ciū & exten^{ti} tenendū vt libet^{ur}
 ten^{ti} sibi & assign^{et} suis in formā p^{re}dict quousq^{ue}. xx.
 li. de p^{re}dictis. xl. li. m^{od} leuauerit, & qual^{it} hoc p^{re}
 cept^{um} n^{ost}ru^m fucit executū scire fac^{iat} iustic^{ie} n^{ost}ris a=
 pud w. in oct^o & c. Et habeas ibi & c. Teste & c.

This writte lyeth where a man hath reco=
 uered debt or damages in y^e kings court,
 & y^e summe of the debt or damages maye not
 be leued of y^e goods & cattals of him against
 wh^om the debt or damages were recouered,
 th^o he y^e hath recouered shal haue this writte
 directed to the shirif commaunding him y^e he
 make deliuer of y^e halfe of all the landes or
 tenements, & all the goods except oxen and
 beasts of his plough. And note y^e the half of
 the said land shalbe reasonably extēded, and
 he shal hold the said lād, & these other goeds
 vntil y^e said summe bee leued of y^e said issues
 & profits of y^e landes & goods of the debto^r
 & this writt is retournable.

Addicion.

Note ye: y^e an abbot recouered damages &
 prayed Ele git & it was graunted.

R. ij.

Anquitte

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Annullle was recovered, & y^e pleintif sued the Fieri facias, & the Shrif returned y^e he hath nothing, & the plaintife prayed Elegit and hys praiser was denied for that, y^e he hath chosen Fieri facias. D. 20. E. 3. C. 10. E. 3.

And note ye: if a man without plee knowledge in court him to be hollen in debt to pay at a certain day, y^e confesee shall not have this Elegit, for y^e y^e confesour was not brought into y^e court by proces of the law, y^e is to say by writ of debt, & so y^e statute of West. 2. cap. 18. is to be vnderstand. D. 2. E. 3.

A writ of Habere fac seisinam.

Rex viz sal. Scias qd cu^m A. in cur^{ia} n^{ost}ra coⁿstitit &c. petierit vs^{us} D. vnu mel cu^m p^{ro}ti^{us} in D. postea ven^{it} in ead^{em} cur^{ia} n^{ost}ra & vocavit ad war^{um} q^{ui} quid^{am} R. p^{ro}ced^{it} mel. cum p^{ro}ti^{us} in curia n^{ost}ra &c. p^{ro} defaulta amisit scdm qd considerat fuit in ead^{em} cur^{ia} n^{ost}ra, q^{ui} p^{ro}ced^{it} A. recuperat^{us} ind^{em} seisinā vers^{us} p^{ro} D. et p^{ro}dictum D. habere de ter^{ra} p^{ro}ced^{it} R. ad valent^{em} ten^{entem} &c. Et ideo tibi p^{ro}cipim^{us} qd eid^{em} A. sine dilac^{one} plenā seisinā habere fac^{iat}. Et p^{ro}ced^{it} D. de ter^{ra} p^{ro}ced^{it} R. ad valent^{em} eorū^{dem} ten^{entem} cu^m p^{ro}ti^{us} in loco cōpetenti habere & assignat^{us} seisinam fac^{iat}. Teste &c.

This writ is Judicial & a writ of execution, & lyeth where lands or tenements are recovered in the kynges courte he that hath recovered shall have thys wypte commaundynge hym to delpver seysin the writ is not retournable.

A writ of Capias ad satisfact.

Rex

Rex bñ sal. Dē tibi qđ non omittas prope aliquā libertatē &c. quin capias A. si inuē-
r⁹ fuerit in balliua tua & cū saluo &c. Ita qđ habeas corp⁹ ei⁹ cō iustitē &c. tali die ad sa-
tisfaciendū B. tā de. xl. s. quos B. in cui⁹ nra recuperauit vers⁹ eū quā de. b. s. qui ei adiu-
dicat fact⁹ pro dāpnis suis. q̄ sustinuit occa-
sione detentionis debiti p̄d. Et habzas ibi hoc breue. Teste &c.

This writ lyeth where a man recouereth
debt or damages in the kings court & he
against whom the debt is recouered hath no
lands nor tenementes nor sufficient goodes
whercof the debt may be leuied, then he that
recouered shal haue this writ to the shyrife
commaunding him that he take the body of
him against whō the debt is recouered, & hee
shalbe put in prison vntill satisfacciō be made
to him that recouered. And note, that these
fower writes next afoze, are writs of execu-
cion.

A writ of Capias vtlagatum.

Rex vñ salut. Dē tibi qđ non omittas pp-
ter aliquam libertatem in ball' tua quin
capias B. vtlagatum in com S. tali die & aff
ad sect B. de placito transgē prout &c. si in-
uentus fuerit & saluo &c. Ita quod habeas
corpus eius &c. tali die inde facturum et re-
cepturum quod curia nostra considerē in hac
parte &c.

A writ de Capias vtlagatum &
inquiras de bonis & cat.

Æ. 17.

Rex

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R Ex viē sal. Pōt tibi qđ nō ēc. quā per sa-
cramēt pborū et legal' hoīm in eod' cōm-
tuo. diligēt inqras, qđ bona & cat, terē, & teū
A. de B. habuit in ballua tua die & anno ēc.
vel vnquā postea, quo die idē A. vtlagat fuit
ad sect R. E. p compoto suo cīd R. D. redd
tēpoze quo fuit receptoz denariozū ipsius R.
put viē nē Eboracē iustit nēis apd west.
in Octabis sancte Trinitatis nunc proz. se-
quēt mand' et illa per eozū sacram extendi, &
appreciari sat, iuxta verum valorē eozūnd.
Et ea qđ p inquis illā inueneris, in masi nēā
captas & saluo custodiē sat & exticē, & appci-
ationē illā, quam inde feceris, scire sat iustit
nēis apud westm tali die distinct & appte sub
sigillo tuo, & sigill' eozū p quozū sacram ex-
tent & apprecionē illā feceris, ac pro eo qđ
idem A. vtlagat bagat, et discurret in balli-
ua tua in nēi & corone nostre pzeiudiē vt ac-
cipimus qđ pzed A. vbicunq; in ballua tua
tā infra libertates quam extra inuenire con-
tigerit captas, et cum saluo custodiē facias,
ita qđ eū habeas corā iustit nēis apud w. ad
plac terminū ad faciend' & recipiēd' qđ curia
nēa de eo cons. in hac parte, et habeas ibi hoc
breue. Telle &c.

T Hys wryte lyeth where a man hathe sued
a wryte of Exigent, & he against whō the
Exigent is awarded cōmeth not at the daye
of the Exigent retourned, then the pleintyfe
shal haue the said wryt directed to the thirise
(of y county wher y exigent was awarded)
to take

to take the bodye of him y^e is outlawed. And
some say y^e a man may haue as many writs
as he will, for that, y^e it is for the kinges ad-
uantage.

A writ of *Quid iuris clamat*.

R *Ex viē lat. Preē tibi qđ distringas A. p*
omnia tras & cat &c. Et qđ de extē &c. Et
qđ habeas corpus ci⁹ coram iustit^e, n^ois apđ
Westm^e tali die &c. ad cognoscēd qđ iuris cla-
mat in bno inel. cū p^ou in W. qđ J. de T. in
curia n^{ra} concessit R. p finē int eos fact & ad
audiend &c. Teste &c.

T Hys writt lyeth where I graunt the re-
uerſion of my tenaunt for terme of life by
fine leued in the kings court, and the tenant
will not attorne, hee to whom the reuerſion
is graunted shall haue this writte to charge
him to attorne. And note if the tenaunt for
terme of life claime fee simple in y^e reuenemēts,
& it is found y^e he hath no fee simple, he shall
reouer ſeiſin of the land. *C. 10. E. 3.* And he
y^e hath fee taile shall attourne as well as hee
y^e hath but free hold per *Wettingham*, but
I suppose y^e laue be contrary. And the pro-
ces is *Somons*, & distresse infinite.

Addicion.

Note ye if lād be leſſed for terme of life,
& the leſſour graunt y^e the leſſee ſhal not bee
troubled for waſt, & after y^e reuerſion is grā
ted to a mā and his wiſe by fine, who bring
geth a *Quid iuris clamat*, in this caſe if y^e leſſee
ſay y^e he is ready to attourne ſauing to him y^e
liij. *vauntage*

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baſtage of the deede, it is conuenient, & the husband and the wife knowledg the deede otherwiſe the leſſee ſhal not be compelled to attourne. *E. 45. E. 3.*

In a Quid iuris clamat broughte by an Infant, & ſuch matter as afore is pleaded & inſar may not knowledg & deede. W. 44. E. 3.

In a Quid iuris clamat the tenat ſaid & the conſour held the ſame lād of & king in chief & demaund iudgement without ſhewing the kings licence, & then the demaundaunt ſhewed the kings licence, or otherwiſe & tenant ſhould bee charged w a fine for & alienaſon & then & tenant attourned. W. 45. E. 3.

If & king graūt to me & ſeruiſe of his tenant I may anow wout attournement, for I may not haue a per que ſeruiſia, nor Quid iuris clamat, by ſhardun. W. 12. E. 3.

A writ of per que ſeruiſia.

REx viſ ſalut De tibi qd diſt A. p. ones tras &c. Et quod de exiſ &c. qd habras &c. tali die ad cognoscend per q ſeruiſ tenet vnū mel. cū pūch in W. qd I. de E. in cū nra conceſſit R. per finem inter eos fact. Et ad audiendum &c.

This writ lyethe where I graunt the ſeruiſes of mye tenaunt for terme of life, tenaunt in talle, tenant in fee ſimple to a ſtrāger, by fyne leuyed in the kynges court, this tenaunt ſhall not attourne to & ſame grātee, then & grauntee ſhal haue this writ againſt the tenat and compel him to attourne. And the

the proces is **Somons** and distress until the party come.

¶ Addicion.

Note yee, if the tenaunt holde of t^{wo}e in comon, if the one graūt the seruices by fine & tenāt shal not attourne. **H. 9. C. 3.**

The seruices of a tenant was graūted to the husband, & the wife and to the heires of the husband, & they brought a per que seruicia, the tenant said that he hath acquitall of the cognisour, and sauinge to him his acquytall he is redy to attourne, & the husband knowledged to him & to his heires, & so note yee & heire of & husband ought to acquite & tenāt after & death of & husband in & life of & wyfe for the wife may not bind her to & acquitall during the marriage. **H. 9. C. 3.**

A writ of **Quem redditum reddit.**

R **Ex vii^o sac. De tibi qd dist^o B. p omnes terras &c. Et qd de exit &c. Et hēas cor^o p^o ei^o &c. tali die &c. ad cognoscēd^o quē reddit^o reddit exeunt de vno mel. cū p^o tū in p. qd J. de f. in curia nra &c. cōcessit R. S. p finē inde inter eos factā & ad audiend^o &c. Et habeas &c. Teste &c.**

This writ lieth where a man graūteth to another by fine leuyed in the kings court a rent **Seck**, or a rent charge going out of another mans land, and the tenant of & lande will not attourne to & graūtee, then & graūtee shall haue this writ against the tenaunt of the land to cause him to attourne. And the

Proces

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Proces is as in the wryte next aloze. And note ye, y these .iij. wrytes are Judicial, & lyeth of fyne leued in the kings court.

Addicion.

In a Quem redditum reddidit y defendat demanded hearing of the deede of the graunt & y pleintife shewed the fine sur consifance de droit, & he was awarded to shew also y dede for he ought to shew title in this wryt howe the rent did begin. H. 30. H. 6.

And note y: that in these thre wrytes next aloze it is no plee to say y they were not tenants the day of the wryte purchased, but ought to answer if they were tenants y day of the note leued for these wrytes ought to be brought against him y was tenant y day of the fine leued. H. 8. H. 6.

A wryt of venire facias.

Rex hie sal. Et tibi qd venire fac coram iustis nris rc. tali die. xij. ta milites quam alios libes & legat hoies de visfi de p. quos quilibet habeat. xl. s. tre et ten vel redditum p annu ad minus p quos rei veritas melius sciri poterit et qui nec A. nec B. aliqua affinitat attingut ad recogni sup sacem suu si w. consaguine pzeb A. cui heres ipse est & fuit ffif in manet d B. cu priu in dnico suo bt de secudo die quo obiit. Et qd ide A. in cur nra ec. cora ec. clamat bt ius suu veru eu licet ide A. die. vel no sicut p d B. die. Quia ta p dicit B. qua p d A. inf quos inde cōtentio est posuet se in iurat illa. Et heas ibi nomina iurat et hoc bts teste ec.

This

This writ is Judicial and goeth out of the record, and lieth where two parties pleadeth & cometh to issue. s. vpon the saying of the countrey, then the party plaintiff or the defendant shal haue this writ directed to the sheriff & he cause to come. xij. lawful men of the same countrey to say the truth vpon the sayde issue taken. And the enquest come not at the day of this writ returned, than shal goe an Habeas corpora, & after a distress vntil they come, and when they cōe at the day & the defendant challenge many of them because they are not sufficient to passe vpon the said issue, the plaintiff shal haue a writ that is called Oc to tales, or decess tales or as many as is nedeful

¶ Addition.

Note ye: that in these cases folowinge the enquest shalbe taken by default. In auowze for rent seruice the plaintife pleaded out of his fee. &c. And vpon that they weare at issue, & after the auowant made default, & the enquest was taken by his default: for the first day after the enquest iayned. but if it were the first day, than he shalbe distreined to heare the Iure. 20. E. 3.

Note ye the these cases folowing the Iure shalbe taken by default.

In a writ of annuities the defendat saide that at the day of the making of the dede he was in age, & vpon that they were at issue, & at the day of the enquest, the defendant made default, & the enquest takē by his default. 17. E. 3.

Note

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Note pee, that in these cases solowynge
thoughe that the defendaunt make defaulte
after thenquest ioyned, yet it shal not bee ta-
ken by default, but a distres shal go to here
the Jurp. D. 18. C. 3.

In a walle the defendant pleadeth to the
enquest, at whiche daye the defendaunt ma-
kethe defaulte a distres shalbee awarded to
here the Jurp. An. 12. C. 3. Li. ass.

Note ye: by what challenge & array shal-
be quashed, & by what not.

In assise the arraye shalbe challenged for
that: that the pleintife was neere to the by-
shop of D. and he that arrayed the panel is
tenaunt to the byshop, and by the byshops
counsel the raye was made, & this was hol-
den to be no chalenge for that, & the byshop
was not party to the plee, except that he had
said & they were procured to say otherwyle
then trouth.

The ray was quashed in assise: for that &
it was made by the baptise that hath mary-
ed the colin of the pleintife: & that they haue
issue. An. 19. D. 3. Li. ass.

In assise & ray was quashed, for that, that
the shirife hath baptised the sonne & heire of
the pleintife and that was confessed by the
shirife. D. 4. C. 4.

It is a good chalenge to the ray to save &
& shirife is colin to the wife of the pleintif.

In assise the ray shall not be quashed for
that, & the shirif hath married the sister of the
pleintife

pleintife (except he say) & so the ray made in
a favourable maner. An. 16. E. 3. H. 1. aff.

Note the causes of challenge
for consanguinitie.

A Turour was challenged: for that, that
hee was cousin to the wife of the defendaunt
wherefore he was drawen out of the panel.
W. 3. H. 6.

If an abbot bringe an accion, it is a good
challenge to say y^e Turour is vncle or bro-
ther to a mōk of y^e same place. T. 38. H. 6.

Note the causes of challenge
for the affinitie.

A Turour was chalēged for that, that he
hath baptised y^e sonne of the pleintife & that
was holden a p^rincipal chalēge. W. 19. H. 6.

A Turour was challenged for that, y^e the
sonne of y^e Turour hath married y^e daughter
of y^e pleintif, & y^e is no p^rincipal chalenge, ex-
cept it be betwixt y^e parties selues, y^e y^e Tur-
our married the &c. wherefore these triours
enquired of y^e fauour. W. 3. H. 4.

In attaint one of the. xxliij. was chalēged:
for that y^e he hath married y^e sister of one of y^e
petit iurours wines, & it was not allowed.

Note the causes of a challenge
for insufficiency.

In a Replewin the defendant challenged
a Turour: for that, y^e he was not sufficient
of y^e frehold. s. to say y^e value. of. xl. s. And by
the opiniō of the court that was a good chal-
leng: for y^e, that the auo^r was for seruic.
but

Natura

but if $\frac{1}{2}$ aduowry had ben made for damage
lesant otherwise had ben. C. 4. 17.

In debt of. xx. li. & damages to. x. li. a iur-
 cour was challenged: for that, & he may not
 dispend. xl. s. & for that cause hec may treat
 by the statute. C. 3. E. 4.

**Note the causes of the challenge
for the hundred.**

CIt s Furroure be challenged for that, & he hath nothing within the hundred by the plaintife & also by the defendant, hee shalbee drawne out. **H. 12. C. 3.**

¶ If a Turrour bee challenged: for that, & he hath nothing Win the hundred, & triours shal not enquire if he be dwelling Win & hundred, if he haue any thing Win the hundred, & not of the value. An. 89. C. 2.

In a write of annuities against a parson of a church by prescription & alledged seisin in the same county where the church is in another hundred, the third Innunder was challenged for that, that he hath nothing win in the hundred where the church is in the hundred or the other he shall be sworn. C. 11. R. 2.

Note ye if one be swozne & hath sufficient
in & hūdzed & after he sel & after he is chal
lenged for insufficiency Win & hundzed thys
challenge is not allowable: for that: & when
he was admitted & swozne at one time it shal
be intended & he hath knowlege of & mater
now, & his knowlege by his alienaciō may
not be deuelted out of his parso. *l*. 22. *l*. 6.

And

And note ye: þ after the fower are swozne of the hundred, a man shal haue no challenge to say that he hath nothinge within the hundred
E. 7. H. 4. M. 29. H. 6.

And note ye, that after þ a man hath challenge the rape & that found against hym hee may challenge the polles. M. 12. E. 3.

Note ye: þ when the iurours are swozne, þ parties pray þ they may haue keepers that was denyed sitting the court, but after they shal haue. H. 7. E. 3.

In attaint after þ fower of the hundred were swozne another was challenged for þ hundred, & not allowed, yet it was alledged þ in the petit Jury that first passed, ought to be. iij. of þ hundred at the least, & by the same reason. viij. ought to be of þ hundred wher. 24. are swozne if he þ challenged þ ray wil challenge the polles he shal shew cause of þ challenge euerye time certaine afoze þ the clerke peruse the panel E. 7. H. 4.

A Jurour was challenged for fauor & he was found by triours that he was indifferent, & afoze þ he was swozne he was challenged: for that, þ he hath nothing within þ hundred, & not allowed.

¶ A writ of nisi prius

R Ex viē sal. Dec. tibi qđ veniē fac. apud westm̄ tali die vel corā iustic. nostris ad p̄mas assisas in com̄ tuo capiēd assign p̄form stat in p̄uolū Nisi die lune &c. apud. 26. p̄^o veni. xxiij. tā mult &c. quā. &c. vt in p̄uolū.
bfi

Natura

bfi, &c. & q nec A. nec B. &c. ad recogn &c. St
 pzed B. tali die, & ano. vi & armis v3 glab & z
 bona et cal sua. liij. sacras lane da valent. xx.
 marc apud B. in com tuo cepit & abduxit vt
 di2 da ta &c. Et habeas &c. Teste &c.

Thys wyte is Iudiciall & lyethe in case
 when thenquest is paneld, and returned
 afore the Iustices of the banke. then the one
 party, or the other may haue this wyte for
 easement of the countre directed to the shy-
 rife, commaunding him that hee cause y men
 that are empanelled to come afore the Iusti-
 ces in the same coutry, and there to be deter-
 mined afore themselfe, if the matter be not so
 difficult that it may not be tryed afore them
 for then it shalbe sent into y banke as afore.
 And note ye: by y statute of E. 3. An. 14.
 cap 15. y this writ shalbe graunted as well
 at the suit of the tenaunt, as at the suite of y
 demaundant in a writ of Trespas if the da-
 mages passe. xl. s. And note ye: y the Iustys-
 ces of the comō bank hath power to enquire
 by the Fieri facias of ples moued in y kings
 court. And if the Iustices of the comō bank
 maye not come, then in the same maner haue
 the Iustices of the kinges benche, power to
 take the Nisi prius of ples moued in the cō-
 mon banke.

Addicion.

In Detaine the pleintif & y garnish were
 at issue, & y pleintif prayed a Nisi prius & had, &
 y garnish had other & a prouiso. B. 19. B. 6.

Note

Note where a man is in execution vpon a statute marchant & sueth an audita querela, & are at issue, a Nisi prius shal not be graunted: for that, & y^e plaintife may not be deliued out of prisone. D. 15. E. 3. C. 21. E. 3.

In al cases where y^e kinge is party y^e Nisi prius shal not be graunted. D. 15. E. 3.

A writte of Quale ius.

Rex vif. sal. Scias qd abbas v^o p^r. in cur^a nostra recuperavit sim suam versus B. de vno mesuagio cu ptinencis in C. vt ius ecclesie sue sancte Marie de. p. p. de salt ipsius B. per breue nostru quat cessauit. Et qd dubitam⁹ de fraude int^r eos plocuta cor^t statutum nostrum in quo continet^r v^o terris seu ten^o ad manum mortuam deueni quoquo modo, tibi p^r qd veni^t fac cor^a nobis tali die sc. xii sc. v^o vif^o p^rdict^r quoz^u quilibit sc. p quos sc. Et q nec sc. ad recogn^o super sacram^oti suu quale p^r id^e abbas habet in p^reb^o mel. et quis p^redecessoz^u suoz^u fuit in^o seilitus de dominico serui^t de p^reb^o mel. exeunt vt de iure ecclesie sue p^reb^o, et quant p^reb^o mel. valet p annu secundum verum valorem eiusdem. Et interim mel. illud in manu nostra capias, Ita qd neuter eoz^u ad illud manu apponat donec illud a nobis inde habueris p^rceptu. Et quod de exit^r eiusde^m mel. ad scaccariu n^orum resp^odeas. Et scire facias capitali d^ono seodi illius mediat et imediat qd tunc sit ibi auditu^r iuraf illam si voluerit. Et habeas ibi nomina eoz^u sc. Teste sc.

Natura

This writte is iudiciall and lyethe in case
where an Abbot or Priour or any other
man of religion byngeth a precipe quod reddat
of land & the tenant maketh default after de-
fault whereby the land is to be lost then the
same Abbot or priour & hath recovered shall
not haue execution of & said land recovered,
afoze & he sue this writte for & king to & Es-
chetour of the same county to enquire what
right he & hath recovered hath, & if he hath
right by his writ, then the iudgement shalbe
geuen for him, & shal haue execution of & lād
recovered, and if it be found & he hath no right
by his writte, but the lands were lost by col-
lusion betwixt him & the tenant, then it shal-
be ordred as is geuen by the statute of West.
2. Cap. 32. which beginneth. Cū viri religi-
osi &c. that the next lord shal haue the lād as
his Eschept, if he demaunde it within & yere
after the inquisiciō taken. And if he demaund
it not within the yere, then the next lord after
him shal haue the said land, if he demaund it
within the half yere. And if no lord demaund
noz claime as afoze is saide, then the kinge &
is chief lord aboue all other shal haue & said
land so recovered.

Addicion.

In a Quare impedit broughte by one R. a-
gainst an abbot, and they were at issue and
now thenquest come, and R. was nonsuite,
and the court awarded a writ to the byshop
for the Abbot withoute inquitie of the col-
lusion

Iulion. C. 19. C. 3.

Urit de Cape magnum.

R Ex viē sak Cape in mān nā p vīlū legat
hoīū d cōm tūo vñū mēl. cū pūm in p. qd
B. tenuit. x. die April. an. ec. ad quozumcūqz
man⁹ deuenit i balli tua qd A. q̄ fuit vxor C.
in cū nā cor ec. clamat vt dotē vīl⁹ pō B.
p defectu ipī⁹ B. et ideo ec. Et sum ec. pō
B. qd sit ec. tali die re pōl. & ostēl. quare non
fuit cor ec. tal die qd pō B. nō habet aliquas
fras seu tēn in balla tua q̄ capi possūt i mān
nā vt testatū est in ead curia qd pō B. tali
die & an. ec. tenuit pō mēl. cū pūm vnde p. cō
mēl. capi pōt in manum nostram. Et habe
as ibi nomina eozum p quozum vīlū hoc se
ceris sum. Et hoc breue teste ec.

Thys writ is iudicial, & lyeth where a mā
hathe broughte a Precipe quod reddat of a
thing & toucheth plee of land, and the tēnant
make default at the day to him geuen in the
writ original, then this writ shal go for the
king to take & lande into & kings hand, and
if he come not at the day geuen by & graund
Cape he hath lost his lande. But note pcc: &
at the first day hee maye bre essayned. And
if at & day of & graund Cape retournable he
cometh, he may excuse his default, as to saye
& he was not somoned after the lawe of the
land, & that he is ready to make his lawe, or
to say that he was in prison, or disturbed by
water, & in these t̄wo last cases, issue may be
taken vpo auermet of & cōūtry, & for that, &
Y. ij. indgemēt

Natura

iudgment & knowledge of the imprisonment
or dishonour by the water is to be tried
by the countrey. But the first case shalbe tryed,
as afoze is saide.

¶ Addicion.

¶ In a precipe quod reddat brought against
one H. filio W. in latin at the ground Cape the
tenant said where is brought against H.
sonne of W. our father hath to name Edmund
iudgment of the writ, & it was said that the
tenant hath made default in whose mouth
no plea lieth afoze that he hath saved his de-
fault but it was awarded the upon a grand
Cape the tenant shal pleade the he is misna-
med in abatement of the writ afoze the default
saved and that is for the mischief of the war-
rant.

¶ Writ of Cape peruum.

REx viſ salutē. Cape in manum nostram
vnum mel. ec. qd B. in curia nostra ec. cla-
mat ut i^o sum versus B. pro defectu ipsi^o B.
Et sum p bonos sum p dcm B. qd sit ec. tali
die ec. ad audiendum inde iudicē. Et habeas
ec. teste ec.

¶ This writ lieth in case where the tenant is
summoned in plea of land and cummeth
at the somons and his apparance is of re-
corde, and after he maketh default at the day
that is geuen to him then shal goe this writ
for the king. And note ye that a petit Cape
lieth after apparance and a grand Cape
afoze

afore apparance.

¶ Addition.

¶ Note ye: that in a graund Cape the tenat is somoned to answer to the default and ouer to the demandant. But in a petit Cape & tenant shalbe somoned in answer to the default onelye, and it is called a petit Cape: for that, that there is lesse in this wyte then in the graunde Cape. **E. 8. H. 6.**

¶ In a precipe quod reddat brought by a woman at the petit Cape returned, the tenant saide that after the last continuance the demandant hath taken a husband iudgement of the wyte and it was adiudged, that that was no plee afore that he hath saued his default. **E. 39. E. 3.**

¶ In a Formedon the tenant appeared vpon the petit Cape, and wold haue pleded that the demaundant hath entred after & last continuance without sauing his default, but he might not, and after he pleaded a release of al & right. **H. 40. E. 3.**

¶ A wyte of Cape ad valentiam.

R Ex viē salutem, Cape in manū nostrā p
bisi legat hominū de com̄ tuo de terris N.
pro defectu ipsi⁹ N. ad valētiā vnius mel.
cū pti⁹ in J. qd̄ E. in cū nostrē corā Iustis
nris clamat vt ius suū vers⁹ R. vnde idē
R. in ead̄ carta nra corā iustis nris vocauit
p̄ed̄ N. ad warrantizā vers⁹ eū & diem
p. iii. captionis

Natura

captionis scilicet facias Iusticiariis nostris apud W.
p. lras tuas sigillatas. Et sum. &c. p. d. qd
sit coram &c. tali die resp. et ostens. quare non
observavit diem sibi datum p. essentium suum
coram iusticiariis nostris tali die. Et habeas
ibi nomina eorum per quorum visum hoc fe-
ceris &c. teste &c.

This writt lyeth where I am impleaded
of certayne landes, and I vouch to war-
raunt another agaynst whom the Somons ad
warrantizandum hath ben awarded & the Sher-
iffe hath retourned that hee was summoned &
commeth not at the day geuen, the if the de-
maundant recouer agaynst me, I shall haue
this writt agaynst the bouche, & I shal reco-
uer somuch in value of y land of y bouche if
he hath somuch, & if y hee haue not somuche,
then I shal haue execucion of such landes, &
tenements y descendeth to him in fee simple or
if he purchase after. I shal haue agaynst him
a resomons. And if hee can nothing saye, I
shal recouer to the value. And note ye y this
writte lyeth afore apparance. And in y same
maner lyeth the petit Cape ad valentiam af-
ter apparance.

Et writt of Sum ad warrantizandum.

Rex vobis sal. Sum p. bonos sum. d. qd sit
&c. tali die ad wart. W. vnu mes. cu ptin in
d. qd W. coram iusticiariis nris apud W. clamat vt
p. suu. vltus cu. Et vnde I. de W. in ead. cu
nra vocavit p. d. ad wart. vers. est. &c. Et
habeas ibi sum. Et hoc breue teste &c.

Et this

Thyz wyte lieth where I bouche to war-
rant another man then I shal haue thyz
wyte against him to the sherife commaūding
him that he somon the bouche to be afoze the
Justices at a certain day at which day if he
come not, then shal go the graūd cape, & if he
come & after make default then shall go the
petit cape, as is afozesaid.

CA wyte of Sequat sub suo periculo.

REx viē sat. Sum p bonos sum E. qd sit
cō Justitē nris &c. tali die ad warē A. bñ
mes. cum pertiñ in R. qd R. coram Justitē
nostris apud W. clamat ut ius suum versus
eum &c. teste &c.

Thyz wyte lyethe where a Somons ad
warrantizandum is awarded. And the
sherife returns that he hath nothing wher-
by hee may be sommoned, then shall go sicut
alias & pluries. And if hee come not at the
Pluries, then shall goe this wyte De sequatur
sub suo periculo.

CA wyte of Champartie.

REx viē sat. Pē tibi qd distē A. p omnes
terras &c. Et qd habeas corp⁹ eius cō
iustitē &c. ad respondēd quare cum inter ceteros
articulos quos dñs E. nup rex Angl⁹ annis
nū ad emendatū statas populi sui cōcessit or-
dinat sit, qd nullus minister nū nec aliquis
alius p parte rei q est in plito habend nego-
tia q sūt in plito sicut assuatū manutenend
nec aliquis ius suū sub hui⁹ cōdicione alteri
p. iij. dimittat

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dimittat, ac p̄dic⁹ R. placitū loq̄le q̄ ē in curia nostra ec. int⁹ A. & E. brozeu ei⁹ petētes & A. & W. tenentes de. xx. ac ē cū p̄tisi in A. p̄o parte hui⁹ ē habend⁹ A. assumpsit manutencnd⁹ cōtra formā ordinacionis p̄dictē vt vltēius facturi & excepturi qđ cū cōsidera-
uit in hac parte.

¶ Originale inde est tiel.

Rex iustit⁹ suis de bāco sat. Cū int⁹ ceteros articulos quos dñs E. quondā rex Angl⁹ p̄genitor⁹ n̄r amend⁹ status ppli sui ec. quod null⁹ minisset ei⁹ nec aliquis ali⁹ p̄ pte rei q̄ est in p̄tito habend⁹ ec. vt p̄t⁹ ac p̄tisi loq̄le est cōt⁹ vobis p̄ b̄t n̄m int⁹ A. petētes tenēt⁹ vno mel. cū p̄t in A. p̄t⁹ hui⁹ mel. hēnd⁹ iā assūpsit manutencnd⁹ cōtra formā ordinacionis p̄dicte vt eccepm⁹ nos volentes ordinacionē illam obseruari vobis mandamus quod inspect⁹ tenor⁹ ordinacionis p̄dictē vltēius inde faccē quod de iure & scdm formā ordinacionis p̄dictē fuerit faciendū ec. teste ec.

This writte lyeth where two parties are impleadinge, and the one of the parties, geue to a straunger the halfe, or part of the land or any other thing y^e is in ple for defending him against the partie then the party greiued shal haue this writ against a straunger.

¶ Note yee: that it is no diuersitie whether the partie sell the lande hanging the writte and where hee geueth the lande, for that,
that

that it is prohibited by the lawe. But a man maye make a feoffement to his vñe hanging the writ. *M. 3. C. 3.*

The father and sonne are, and the father is impleaded, & hanging the suit he infeoffeth his sonne, this is no Champerty for by every lawe it is intended & & sonne ought to aide his father. Looke & that *De articulis sup Carotax, Cap. 12. C. 6. C. 3.*

Note ye, that it is saide. & if a man sell his land to me, & after & lande is demaunded against him by writ, and he hanging the writ make liuere and seison to me of & sae lande & is no Champertie for &, & & bargai was not made for suche cause. *M. 29. B. 2.*

In det it was awarded ec. & if J. bringe a writ of Formedon against one B, in the name of one B. if J. recover & my owne costes and than B. me enfeoffe & is chāptye ec. But if J. refuse to take the feoffement for doubte of Champerty, & cōmand B. to make a feoffemēt to another & is no chāptye ec. quere. *M. 42. C. 3.*

三

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